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REPORTS

FROM

COMMITTEES:

ELEVEN VOLUMES.

—(5.)—

ECCLESIASTICAL COMMISSION, &c.

Session

31 *January* —— 29 *July* 1856.

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FIFTH VOLUME.

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FIRST

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.;

TOGETHER WITH THE

MINUTES OF EVIDENCE.

Ordered, by The House of Commons, *to be Printed,*
25 *April* 1856.

Lunæ, 18° *die Februarii*, 1856.

Ordered, That a Select Committee be appointed to Inquire into the present Constitution of the Ecclesiastical Commission for England; into the Operation of the Act 13 & 14 Vict., c. 94, intituled, "An Act to Amend the Acts relating to that Commission," and of the Act 14 & 15 Vict., c. 104, intituled, "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England;" and into the expediency of further continuing the last Act, and of consolidating the Church Building Commission with the Ecclesiastical Commission.

Martis, 19° *die Februarii*, 1856.

Committee nominated, of—

Sir George Grey.	Lord Robert Cecil.
Lord John Russell.	Mr. Evelyn Denison.
Sir John Pakington.	Sir William Heathcote.
Marquis of Blandford.	Mr. John Abel Smith.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. George Butt.
Mr. Walpole.	Mr. Mowbray.
Mr. Ingham.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 25° *die Aprilis*, 1856.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

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FIRST REPORT.

THE SELECT COMMITTEE appointed to Inquire into the present Constitution of the Ecclesiastical Commission for *England*; into the operation of the Act 13 & 14 Vict., c. 94, intituled, "An Act to Amend the Acts relating to that Commission," and of the Act 14 & 15 Vict., c. 104, intituled, "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," and into the expediency of further continuing the last Act, and of consolidating the Church Building Commission with the Ecclesiastical Commission; and to whom the Episcopal and Capitular Estates Bill was referred; and who were empowered to report from time to time to The House:—

HAVE taken Evidence on the Matters to them referred, which they have agreed to report to The House.

25 *April* 1856.

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MINUTES OF EVIDENCE.

Veneris, 29° *die Februarii*, 1856.

MEMBERS PRESENT.

Lord John Russell.
Marquis of Blandford.
Mr. Wilkinson.
Mr. Ingham.
Lord Robert Cecil.
Sir William Heathcote.
Sir George Grey.
Sir John Pakington.
Mr. Walpole.
Mr. George Butt.
Mr. Evelyn Denison.
Lord Robert Grosvenor.
Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

The Right Hon. the Earl of *Chichester*, attending by permission of the House of Lords; Examined.

Right Hon. Earl of *Chichester*.

29 February 1856.

1. *Chairman.*] YOUR Lordship is, I think, a member of the Ecclesiastical Commission?—I am.

2. At what time did your Lordship first become a member of the Ecclesiastical Commission?—I was appointed a member of the Ecclesiastical Commission in 1840, and I took part in its deliberations until 1847, but did not take much part from that year till 1850, when I was appointed the first Church Estates Commissioner under the Act of the 13th & 14th Victoria.

3. Can you describe the constitution of the Commission at that time, and its subsequent changes, and its present constitution?—The number of the Ecclesiastical Commissioners for England, when incorporated in 1836, was limited to 13, but it was increased in 1840, and at present it consists of, *ex officio*, the two archbishops, five members of the Government, all the bishops of England and Wales, three deans, and six common law, equity, and ecclesiastical judges, together with eight permanent lay Commissioners, six of whom are in the appointment of the Crown, and two in that of the Archbishop of Canterbury. To these were added in 1850 three *ex-officio* members of the Board, called Church Estates Commissioners. Two of the Church Estates Commissioners are appointed and removable by the Crown, and one by the Archbishop of Canterbury. The latter and one of the former receive salaries out of the common fund. The two paid Commissioners are joint treasurers of the Commissioners' funds. Five Commissioners, of which number two must be Church Estates Commissioners, form a quorum of the Board; and in cases where the common seal has to be affixed, two of the five must be members of the Episcopal Bench. The Church Estates Commissioners constitute either *per se*, or in combination with two other members of the Commission appointed under seal annually by the Board, a committee called the Estates Committee, having in certain specified cases an independent action, subject only to regulation by any rules which the Board may make from time to time, but which, in point of fact, the Board have never thought fit to make.

4. Sir *J. Pakington.*] All those regulations are prescribed by statute?—Yes, all that I have stated. The peculiar business of the Estates Committee is all that relates to the sale, purchase, letting, or management of estates; that which does not fall under that description being within the province of the general Board.

Right Hon. Earl of *Chichester*.

9 February 1856.

They, however, are empowered to delegate, by writing under seal to the Estates Committee, authority to do and complete such last-mentioned matters, except where it may be necessary to seal a scheme for submission to Her Majesty in Council. The Board are also in the habit of referring individual cases, and even whole classes of business, to the Estates Committee for their advice and report, and the recommendations contained in their reports are very rarely varied. The two Church Estates Commissioners appointed in 1850 with myself, were Mr. John George Lefevre, and the Right Honourable Henry Goulburn, and the two members of the Estates Committee added by the general Board were the Bishop of London and Sir James Graham. The committee continued thus till the beginning of this year. At present the Right Honourable Spencer Walpole occupies the place of Mr. Goulburn, and the Earl of Harrowby and the Bishop of Winchester occupy the places of the Bishop of London and Sir James Graham.

5. *Chairman.*] Have the Estates Committee separate officers of their own?—No.

6. At the time of the appointment of the Estates Committee, were grants for augmentation in course of being made, or had those grants ceased?—The grants had ceased owing to the state of the funds, the expenditure being very considerably above the income, and they have not subsequently been renewed. The Commissioners have scarcely made any grants since the appointment of the Estates Committee in 1850. But perhaps I should add that the Bishop of Durham has supplied them with annual sums amounting in the aggregate to 21,275 *l.*, which they have applied to the erection of parsonage houses in the diocese of Durham. The bequest of Mr. Gally Knight has also supplied them with 37,500 *l.*, which has been distributed in 150 grants applied towards the erection of parsonage houses in other dioceses than the diocese of Durham.

7. Have those grants been made by the Estates Committee, or by the general Board?—By the general Board, reported by the Estates Committee.

8. Mr. *Walpole.*] The money which the Bishop of Durham contributed was beyond what he was bound to pay?—Yes.

9. It was a voluntary contribution on his part out of the income derived from the see?—Yes, and it is so stated in the reports of the Commissioners.

10. That 21,000 *l.*, and a fraction, which has been contributed by the Bishop of Durham has been expended, I believe, in the construction, or in helping the construction, of parsonage houses?—Yes, entirely, so far as it has been expended; there is a considerable balance at present.

11. Mr. *E. Denison.*] Parsonage houses where, in Durham?—In the diocese of Durham.

12. Mr. *Walpole.*] I believe that the Bishop of Durham desired that that sum should be confined in distribution to parsonage houses within the see of Durham?—He did so.

13. Mr. *E. Denison.*] Then that is an arrangement of the Bishop of Durham, and not an act of the Ecclesiastical Commissioners?—Just so; we act as it were as his trustees.

14. Lord *R. Cecil.*] Have any other sums been disbursed by the Commissioners except those which you have described from Mr. Gally Knight and the Bishop of Durham?—Not of that kind; none beyond their own funds.

15. *Chairman.*] There have been no further grants made at any time subsequent to the appointment of the Estates Committee?—None, except those made under what is termed the Local Claims section of the Act, which requires, that in the case of tithes, or land in lieu of tithes, before the proceeds are paid over to the common fund, consideration shall be taken of the wants of the parish in which those tithes accrue; where such tithes have accrued, the Commissioners have felt bound to consider the state of those parishes, and grants have been made, all of which are reported in the annual reports.

16. In what way did the Act of 1850 affect the Episcopal fund?—The Act of 1850 fused the Episcopal fund with the common fund. Under the provisions of the Act of 6 & 7 Will. 4, cap. 77, passed in 1836, the bishops of the larger sees thereafter appointed paid over to the Ecclesiastical Commission certain fixed annual sums, and retained the rest of the annual income of the see; but by that arrangement some bishops were left with much less, while others received much more than their statutable income, and in either case the income was fluctuating from year to year. To remedy this inconvenient state of things, the Act of 1850 provided that each bishop appointed after the 1st of January 1848 should receive the

the statutable income of his see, and no more, and enabled bishops previously appointed to agree to accept similar unfluctuating incomes.

17. Has that been carried into effect generally?—At present the Bishops of London, Winchester, Bangor, Exeter, and Gloucester and Bristol hold their sees independently of any control over their estates by the Acts before mentioned. The Bishops of Durham, Rochester, Lichfield, Hereford, Chichester, Oxford, and St. David's pay over or receive fixed amounts under the Act of 1836, and retain the balance of the fluctuating income arising from the episcopal property of their respective sees. The two Archbishops and the Bishops of Chester, Ely, Llandaff, Lincoln, Norwich, Ripon, Salisbury, Worcester, and St. Asaph have fixed incomes, retaining the management of their estates, and the Bishop of Bath and Wells and the Bishop of Manchester have fixed incomes; but in the first of these cases the Commissioners have the management of the estates temporarily, under arrangements similar to those effected with several of the chapters.

18. Is there no other case but that of the Bishop of Bath and Wells where the Commissioners hold the property?—Not actually reported on, I believe.

19. Marquis of *Blandford*.] Under those arrangements, I believe, the bishops are required to make a half-yearly return of the income of the see to the Commissioners?—Yes, under the former arrangement; under the latter arrangement the property is handed over to the Commissioners to manage, viz., in the case of the Bishop of Bath and Wells.

20. But under the other arrangements the bishops make a half-yearly return?—Exactly.

21. How is that return ascertained to be correct, or what measures do the Commissioners adopt to satisfy themselves of the correctness of that return?—It is verified by the bishop himself. It is made by his agent, and we use such means as we have in our office to correct it. With respect to the actual returns of income which the bishops receive, perhaps we have no very decided test that we can apply to them; but the Commissioners, looking to the sums which are stated by the bishops, in reduction of their incomes, can exercise their discretion upon them, how far they are probable subjects of deduction on the score of management or necessary expenses.

22. *Chairman*.] What is the arrangement ultimately contemplated by the Act; is it that the Commissioners should hold the property, or that the property should be assigned to the bishops, which would give them a proper income?—The intention which we suppose to be contemplated by the Act is, that when the Commissioners shall be enabled to hand over an estate in fee either to a see or to any other ecclesiastical corporation, it shall be done; I mean an estate of equivalent value to the statutable income of the Ecclesiastical Corporation.

23. Is it intended that in such case the bishop should be liable to the fluctuations, that he should gain or lose according as the rents fall or rise, or that any difference should be made up to him?—There has been a scheme passed by which that arrangement will be carried out.

24. Marquis of *Blandford*.] In the cases of those bishops, where the estates have been handed over to the Commissioners under an arrangement analogous to what has been entered into with some of the chapters, do the Commissioners contemplate carrying on the enfranchisement of the property in the same way that they have done with regard to the properties of chapters handed over to them?—Certainly.

25. Is it then contemplated at present, in those cases where such episcopal properties have been handed over to the Commissioners, to hand back any estate to the bishop, sufficient to yield an income analogous to what is contemplated in the case of a chapter?—Just so.

26. *Chairman*.] What is the fund from which the Bishop of Manchester's income is derived?—The common fund.

27. The whole of it?—I think the whole of it.

28. Lord *R. Cecil*.] Is it in your power to state what balance of episcopal revenues there is after all episcopal expenses have been defrayed?—There is a considerable balance at the present moment against the bishops. In the Eighth Report of the Ecclesiastical Commissioners it appears that the payments to augmented sees amount to 43,952 *l.* 13 *s.* 7 *d.*; the receipts in respect of episcopal revenues amount to only 23,913 *l.*; but then, perhaps, I ought to state that that partly arises from the non-renewals of leases, and, consequently, the absence of the fines which otherwise would have accrued. The episcopal estates

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are in fact increasing in value almost in proportion to the deficit of annual receipts during the past year.

29. Then ultimately the episcopal revenues will considerably exceed the expenses?—I have no doubt of it.

30. *Chairman.*] Has much progress been made in the estates which are to be allowed to the several bishops?—There has been considerable progress made in the archiepiscopal See of York, and in some other cases.

31. Mr. *E. Denison.*] Can you mention any cases where these estates are in the act of being put together, and for what sees; that is to say, masses of property in any particular dioceses which you have up to this time collected, or are in the act of collecting?—York and Lincoln.

32. Only those two?—Only those two to any great extent. There are other sees in which the subject-matter is before us, but the opportunity of dealing with them has not arisen.

33. Can you mention in what part of the county of Lincoln the bishop's estate is in the act of being collected together?—We purchased the leasehold of a large rent-charge at Holbeach, which probably would be one part. I am only speaking generally; there is nothing definitely before us.

34. Then not even in the case of Lincoln have you got so far as designating absolutely what is to be the bishop's estate?—Certainly not.

35. *Chairman.*] Has there been any fee-simple estate absolutely assigned to the bishop's see?—None yet.

36. Lord *R. Cecil.*] Would it not be impossible to do so until the enfranchisement had taken place?—It would be very undesirable to do so, because circumstances would enable the Board to see what would be best.

37. *Chairman.*] What chapters have effected arrangements with the Commissioners?—The chapters which have temporarily transferred their estates to the Ecclesiastical Commissioners pending the provision of permanent estates in possession, are those of York, Carlisle, Chester, Peterborough, and Gloucester. The chapters of Bristol and St. David's made similar proposals, but, on investigation, the advantages were not considered sufficient to induce the Commissioners to adopt that course. The first commutation effected was that of the chapter of York, and the Commissioners found themselves in a position, at the expiration of three years, to offer to the chapter a permanent estate in possession. The whole progress of that commutation, from the beginning to the present time, including the particulars of the permanent estate proposed to be transferred to the chapter, and the correspondence, can be produced to the Committee.

38. Does that form part of the report?—No, it is not in the report; but I can put it in if the Committee wish.

39. Can you state anything further of the nature of that arrangement with the Chapter of York; what income it will give to the members of the chapter?—I have not the exact income before me; but it is an estate consisting partly of rent-charge and partly of land. It is not yet actually made over to them.

40. Marquis of *Blandford.*] In those cases is the fee of the property in the Commissioners?—Yes.

41. It is vested in the Commissioners temporarily?—Yes, under an arrangement confirmed by an Order in Council.

42. Mr. *Walpole.*] The transfer of the fee to the Commissioners is a temporary transfer until sufficient estates are given back to the chapter for it, to be a permanent arrangement?—Yes.

43. And after a permanent arrangement is made with the chapter, the fee of those estates, supposing them to be in fee simple, is transferred back again to the chapter?—Yes, of those or of other estates.

44. That portion which is conveyed for the use of the chapter?—Yes.

45. Marquis of *Blandford.*] It is not necessary for the same estates to be re-transferred?—Certainly not; and in point of fact, one great object of the commutation is, that exchanges may be made so as to render the estate more consolidated and more locally convenient for management by the chapter, and in other respects a more desirable estate for them to hold.

46. Is it contemplated by the Commissioners, in the arrangements which they propose, that when estates are retransferred to ecclesiastical corporations, aggregate or sole, they shall take only the income which those estates will yield, whatever be their nature, or that they shall still be able to come upon the common fund to make up any deficiencies in those estates?—There is no intention to make

any

any further claim upon the common fund; but I ought to add, that the conclusion of that arrangement is still under consideration.

47. Then in case those estates should become more valuable at any time, have the Commissioners decided upon the course which they will adopt; whether any arrangement will be introduced to limit the income which may be received by the ecclesiastical corporations?—No; in that case the Commissioners would have no power at all over the estates any more than they have now, except by means of an agreement entered into with the chapter.

48. Sir *G. Grey.*] The arrangement will not be subject to revision at any future time by the Commissioners?—No.

49. *Chairman.*] Neither with regard to the bishops nor the chapters; or is there any difference in that respect?—The bishops might, by an arrangement with the Commissioners from time to time, alter the arrangement.

50. What is the chief source of the income which the Commissioners receive?—A considerable portion of the income of the Commissioners is derived from capitular sources in right of the canonries suspended in the different cathedrals; and in the past year such portion amounted to 61,258 *l.* The Commissioners are entitled, in right of the suspended canonries, to share in the capitular revenues as if they were duly appointed and qualified canons, but no direct power of interference with or control over any expenditure of, or dealing with capitular funds or other property, is conferred on the Board, or can be enforced otherwise than by a court of equity, which might be done upon complaint of the Commissioners.

51. Mr. *Walpole.*] That is the principal source?—That is the principal source. Another considerable portion of the income arises from the proceeds of the separate estates of deaneries and prebends absolutely transferred to, or vested in, the Commissioners by statute. Nearly all those have been granted out by former incumbents on beneficial leases for lives, and produce only small reserved rents.

52. *Chairman.*] What was the course pursued by the Estates Committee on their appointment, with regard to those last estates?—Reverting to the early proceedings of the Estates Committee in 1850, at the commencement of their labours they took the management of the estates of the Ecclesiastical Commission out of the hands of the agents of the chapters and prebendaries, and placed it in the hands of agents immediately under their own control, reducing the allowance for agency from five to four per cent. in respect of estates in possession, and taking security for the revenues. They also considered the most expedient mode of dealing with the question of enfranchisement of leaseholds, but being informed that legislation was likely to take place in the ensuing Session, founded upon the Report of the Episcopal and Capitular Revenues Commission, they postponed any action in the matter until Parliament should have further deliberated upon it.

53. Was your Lordship a member of the Lords' Committee in 1851 upon Church Estates Management?—I was.

54. What effect had the result of that Committee upon the proceedings of the Estates Committee?—At the close of that Session the Act of the 14th and 15th of Vict. c. 104 was passed, founded on the recommendations of the Select Committee, and by that measure Mr. Lefevre, Mr. Goulburn, and myself were constituted a distinct Board for sanctioning such enfranchisement as ecclesiastical corporations and their lessees might agree to effect under that statute. The Estates Committee of the Ecclesiastical Commission shortly afterwards determined to deal with the property under their control upon the principle which the Committee of the House of Lords had recommended to be adopted by Ecclesiastical Corporations proceeding under the last-named Act.

55. Lord *R. Cecil.*] Your Lordship did not state what was the amount received from the reserved rents on the separate estates?—I did not. I am not sure that I have it here. My answer referred to the reserved rents of the properties of the separate estates of prebends and deaneries; the whole is not very large.

56. Is there any large amount received from the rectories?—Not very large; I could put in all those details if the Committee wished.

57. *Chairman.*] What was the result of the proceeding of the Church Estates Committee after the course which you state they adopted?—The Lords' Committee's Report had advocated enfranchisement as the best means for improving the management of the land, and for obtaining a larger revenue for Church purposes, and Committees of the House of Commons had previously made similar recommendations. The reduction of the episcopal incomes and the transfer to the common fund of the proceeds of the suspended canonries tended to facilitate

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the reduction of the area of the lands held by the bishops and chapters to an extent more commensurate with their statutable incomes, and the state of the funds under our management rendered it indispensable to convert some of the reversionary interest into possession, lest our income should temporarily be insufficient to meet our outgoings. Having thus determined to act upon the recommendation of the Lords' Committee, we directed Mr. Edmund James Smith (who had been the first witness called to show the inconvenience of the plan proposed by the first Bill introduced into the House of Lords) to attend the meetings of the Estates Committee, and to advise as to enfranchisements, and we proceeded to deal with the lessees' applications in the manner advised by the Lords' Committee's Report. We found reason to believe that we should make satisfactory progress, and by November 1852 we had agreed upon more than 120 sales and purchases, and by the close of that year we were so satisfied with the results that we resolved to endeavour to carry into effect the 17th recommendation of the Lords' Committee, which was, "That the monies to arise from any such enfranchisement by any bishop or capitular body, shall be applied either in payment for the surrender of leases held under such bishop or capitular body, or shall be invested in the purchase of estates to be conveyed to such bishop or capitular body, due provision being made to prevent such bishop or the members of such capitular body from receiving, during the progress of such arrangements, either a greater or less income than he or they would have received if such enfranchisement had not been made; provided that ultimately the bishops and capitular bodies shall be put in possession of separate estates, calculated to yield the average income fixed by Parliament." Accordingly we effected commutations of the interests of the chapters of York and of Carlisle, and in the papers which I have already referred to respecting York are the full particulars and results of the arrangement in the case of the Chapter of York. Our subsequent experience has proved equally satisfactory, as has been stated in the annual Reports of the Ecclesiastical Commissioners.

58. Marquis of *Blandford.*] That was of course a voluntary arrangement effected on the part of the chapters with the Commissioners?—Quite so.

59. Can you at all state what induced the chapters to effect such an arrangement?—There are obvious advantages, viz., that we are bound to secure them a fee-simple estate yielding the full average income which they previously received in a fluctuating manner from year to year. Also they would gain the benefit of any improvement in that fee-simple estate, which improvement was very unlikely to take place in a leasehold estate.

60. But had they not power to effect enfranchisements themselves, with the consent of the Commissioners?—With the consent of the Commissioners; but still that could not be effected so advantageously for the estates of the chapter by them as it could by the whole of the estates being transferred to the Commissioners, who could deal with them as large capitalists, and might not be stopped in any instance for want of funds to carry on the annual expenses of the cathedral.

61. So that in fact if that process were carried out generally, it might be attended with advantage?—Decidedly so.

62. *Chairman.*] What was the general course pursued by the Commissioners from 1840 to 1851, with regard to beneficial leases?—There were very few enfranchisements up to that time.

63. Were the leases for lives allowed to run out, not being renewed?—Some were; your Lordship alludes to the leases of property vested in the Commissioners.

64. Yes?—Some were allowed to run out; some were enfranchised; and it was the feeling of dissatisfaction on the part of some of the lessees as to the terms required by the Commissioners, which led to the change effected by the Bill consequent upon the Lords' Report of 1851.

65. Lord *R. Cecil.*] Has there been any similar dissatisfaction since the Act of the 14th and 15th of Victoria passed?—Judging by the number of cases, which amount to, I think, 1,300, we consider that the lessees are satisfied; we have scarcely had any complaints.

66. *Chairman.*] What took place in 1854, and what has been the course of the Commissioners under the Act of 1854?—The Act which was passed in 1851, enabling ecclesiastical corporations to deal with their estates, expired in the Session of 1854, and on its renewal certain clauses were added having reference to the estates vested in the Ecclesiastical Commission. One was a provision for the

the appointment of arbitrators in case the parties negotiating could not agree upon the annual and fee-simple value of an estate. We have had one case of the sort, of which the papers are here, I believe. Other provisions were also introduced, one being that certain tables of expectation of life should be adopted, which we at once acted upon; another, that we might deal either according to the Report of the Episcopal and Capitular Revenues Commission, on which the first Bill was introduced into the House of Lords, or according to the recommendation of the Lords' Committee. As the transactions were proceeding satisfactorily on the latter basis, we did not deem it expedient to have recourse to that which had been formally and in detail reported against by the Committee of the House of Lords.

67. Mr. *Ingham.*] Does your Lordship recollect whether any applications have been made by any lessees, to be dealt with according to that Report, to obtain a perpetual lease?—I think not; very few, if any.

68. Did your Lordship say that the Estates Committee had acted upon the Report of the Lords' Committee?—Yes.

69. Have those transactions been satisfactory to the parties?—The transactions with the lessees have continued as numerous and as satisfactory up to the present time, and we have no reason to doubt that that satisfaction will continue.

70. Mr. *Ingham.*] I believe the course is, that the terms must have been arranged in the first instance between the chapters and the lessees?—Yes, in the transactions by Ecclesiastical Corporations.

71. Your Lordship has no means of knowing whether there have been many abortive negotiations which have not been brought before you, and whether many applications for enfranchisement have been made to the chapters, in which the chapters have declined to proceed?—We have no official notification of it. I think that we are generally pretty well aware of them, if they are important cases.

72. In every instance which has come before the Ecclesiastical Commissioners the proceedings have been satisfactory to both parties in the result?—We infer so from the results.

73. *Chairman.*] Do the Church Estates Committee consider themselves bound to attend to the interests of the Church in case the chapters and lessees should have neglected the permanent interests of the Church in that respect?—Certainly.

74. Mr. *E. Denison.*] Are there not cases in which lessees have had to deal directly with the Ecclesiastical Commissioners, in which the terms proposed by the Commissioners have been thought excessive, and have not been agreed to by the lessees?—Very few latterly; formerly there were several.

75. Do not you recollect whether there have been cases within the last two or three years which have equally gone off?—Some have, and they are reported.

76. Marquis of *Blandford.*] Can your Lordship state in how many cases enfranchisements have been effected by the Estates Committee with regard to their own property?—I can give it for last year; there were 108 last year

77. Are you at all aware in how many cases arrangements have not been able to be completed with regard to those cases of lessees dealing immediately with the Ecclesiastical Commissioners with respect to their own property?—Very few indeed. I do not think there are many this year. There are some which have gone off. In the Eighth Report, which is before the Committee, there is a list of the whole, with the nature of the estate, the tenure, and the grounds of refusal.

78. Sir *G. Grey.*] Is that a list of the whole from the beginning?—Only for the year ending the 1st of November last.

79. Sir *W. Heathcote.*] Your Lordship stated that if an estate was given back to a dean and chapter for their own management permanently, they would not be interfered with in case of an improvement of the value, and that they would take the chance in case of a deterioration of value; that there would be no future revision of the arrangement?—There is nothing of that kind provided for.

80. But I understood your Lordship to say, in answer to a question from Lord Blandford, that that did not apply to episcopal estates, but that an episcopal estate would be subject to future revision if given back to the bishop. Did I understand your Lordship rightly?—Certainly, inasmuch that no bishop appointed after 1847 can enjoy more than his statutable income, whatever his episcopal property may produce.

81. *Chairman.*] Is that under the original Act, that an Order in Council might be made, in case of the vacancy of the see, to effect any change?—The Act of

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1836 contemplated revisions taking place on the vacancies of sees, but the General Order in Council, passed under the Act of 1850, provides that all future bishops shall pay over any surplus income.

82. Sir *W. Heathcote.*] The bishop, in that case, as I understand you, being precluded from getting any addition to his income by the improvement of property, but being subject to the loss in case of deterioration?—Not so, because any deficiency would be made up by the Commissioners.

83. Mr. *E. Denison.*] Under those circumstances the bishop would have no inducement at all to improve the value of his estate so long as the estate produced about the income which was fixed for him; he, being the manager of the estate, would have no inducement whatever to increase its productiveness?—No; but I am anxious that the Committee should understand that I am not at all recommending that, as the consequence of an estate in possession being assigned to any particular see, the bishop should manage the estate; that is a matter entirely for arrangement; and, as a matter of opinion, I think if the bishop is to manage it, there must be some superintending or controlling power to see that the estate is not deteriorated.

84. *Chairman.*] Is there any arrangement finally settled by the Commissioners in that respect?—None whatever; at present all these estates which are handed over to us both by the chapters and the bishops are in a state of transition.

85. Sir *J. Pakington.*] No such case has yet commenced?—No.

86. Marquis of *Blandford.*] What period is contemplated for those temporary arrangements; any period at all?—Judging from the first case which we undertook, viz., that of the Chapter of York, we anticipate that it may be done in a very few years; the case of York has been before us about three years, and now we are in a condition to hand over the estate to the chapter.

87. If I understood rightly with respect to the Bishop of Bath and Wells, I think your Lordship said that that was the see with which an arrangement had been made, by which a fixed income is now paid to the bishop from the common fund in exchange for the property?—Exactly so.

88. Sir *G. Grey.*] Has your Lordship before you the Act of 1850?—I have.

89. Was not the object of the 16th and 17th sections of that Act to substitute fixed incomes for fluctuating incomes in the case of the archbishops and bishops?—Yes.

90. And does not the 17th section of that Act expressly provide that the Commissioners shall "so regulate, from time to time, the amounts, times, modes, and conditions of payments to be made to or by the Ecclesiastical Commissioners, as the case may be, by or to any archbishop or bishop who shall have succeeded to a see," after the date fixed in the Act, "as will secure to every such archbishop and bishop the annual income named for the archbishop or bishop" of that see?—Exactly so. It was in allusion to that provision in the statute that I drew the distinction between a bishop and a chapter.

91. Then so long as no estate has been assigned to the bishop which is calculated by the Commissioners as sufficient to produce the fixed annual income which Parliament intended he should receive, is not there the power to regulate from time to time the payments made by or to the Commissioners in respect of that see, so as to ensure the fixed income?—Clearly so, and it is actually done.

92. Then would it not be in accordance with the spirit of that clause, and would it not be almost necessary, in order to carry out the intention of Parliament, that where an estate is assigned, if, from unforeseen circumstances, that estate varies materially in value, the Commissioners should from time to time again regulate the receipts of the bishop in respect of that estate, with the same object which is stated in that clause of the Act?—I have stated that the existing Order in Council regulates the incomes of bishops as contemplated by that clause in the Act.

93. Have the Commissioners power to do that without going to Parliament for fresh authority?—Yes, they have the power.

94. Take the possible case of an estate handed over to a bishop, producing a fixed rental, equal to the amount of income which Parliament intended he should receive, and that estate afterwards increasing in value, either from the discovery of minerals, or from part of it becoming building land, which very materially increases its value, would it be possible, without the consent of the bishop, either during the tenure of the see by the bishop with whom the arrangement was made, or upon the avoidance of the see, to revise that arrangement with a view to carry into

into effect the obvious intention of Parliament?—Upon the supposition that the Commissioners had made no arrangement with the bishop previously to his being put in possession, I think there might be some difficulty. It is quite clear that some such arrangement ought to be entered into.

95. Am I to understand your Lordship to say that no arrangements of that kind have been yet made?—No, there having as yet been no such assignment.

96. Is it the intention of the Commissioners in making any such arrangements, to provide for the contingency which I have supposed?—The matter has not been formally before the Commissioners at all.

97. Still do you think that if they did, that the object which Parliament had in view would be attained without coming to Parliament for fresh authority?—I think it possible.

98. And that the Commissioners, exercising a wise discretion and prudence in the arrangement, would carry into effect the intentions of Parliament under the present law?—I think so. It is not a matter officially before the Commissioners, but my own opinion upon the matter is, that very few bishops would like to have the management of an estate of 5,000 *l.* a year. Either it would be an estate consisting of a rent-charge only, which would require no superintendence, and would be subject to very little fluctuation; or if it was an estate of which the moiety, or a considerable portion, consisted of land at rackrent, it would involve a very considerable amount of superintendence and care which probably very few bishops would be disposed to incur.

99. I do not quite understand how the question of management decides the matter. Supposing the management to be in the Commissioners, still if that estate, and the rents and profits of it should be assigned to the bishop as a permanent provision, would he not be entitled to take the whole rents and profits of that particular estate, although the management might not be in his hands?—Probably the arrangement would be to pay over to him so much of the rents as would equal the amount of the net statutable income, and no more; that I conceive to be the proper course.

100. Then it would not be in fact the assignment of a particular estate to that see; it would merely be a charge of the income upon the particular estates in the hands of the Commissioners?—The fee would be then in the see.

101. *Chairman.*] But would not the bishop be, in fact, merely the nominal possessor of that estate, and only receiving the rents paid over by the manager?—Yes.

102. Sir *G. Grey.*] Would the Commissioners in that case receive all the surplus income derivable from that estate beyond the 5,000*l.*, assuming 5,000*l.* to be the annual income which was intended to be assigned to the bishop?—That was what I meant in expressing my opinion of what it ought to be.

103. Mr. *E. Denison.*] Can your Lordship consider it desirable under any circumstances, looking at the nature of landed property and at the position of the bishop in point of age and duties, that a landed estate of 5,000 *l.* a year, or thereabouts, at rackrent, should be placed under his sole management as a provision for the see?—Certainly not.

104. Marquis of *Blandford.*] Would there not be a good many expenses naturally and incidentally arising upon the management of the property, such as money to be laid out for future improvements which might be very necessary, but of which any existing incumbent would not reap the benefit, or would reap a very small portion of the benefit in his own lifetime?—Yes.

105. Can it be supposed that a person who had merely a life interest in the estate would be willing to lay out those sums out of his own pocket in the same way as if he had a permanent interest either for himself or for his successors?—Certainly not.

106. Lord *R. Cecil.*] In the enfranchisement of estates and the purchase of leaseholds, is it the practice of the Commissioners to make them balance each other, or do they so arrange as to have a balance in hand?—It has varied very much. I believe I have already stated in my evidence, that it was necessary, at the commencement of our action under the recent statutes, to sell the reversions for the sake of providing means for our annual payments; that necessity can scarcely be said now to exist, and, consequently, the two accounts will be found very nearly to balance; not always balancing in the same year, because sometimes a very large purchase may be effected at a particular time and for certain reasons, and there may not be just at that time, so as to bring the two transactions

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in the same report, a corresponding sale. But for those irregularities, at present the purchases and sales pretty nearly balance each other.

107. Did I rightly understand you, that the Church Estates Commissioners have the power of alienating Church property without the Ecclesiastical Commissioners?—No.

108. *Chairman.*] What are the duties of the Church Estates Commission?—The Church Estates Commission, as distinguished from the Ecclesiastical Commission, deals only with estates of ecclesiastical corporations, and its authority is limited to approving or disapproving the terms on which the corporations have agreed to enfranchise portions of their estates; and to transferring to the common fund of the Ecclesiastical Commission the improved amount realised for the Church under each transaction.

109. What number of transactions have been effected since 1851?—The transactions are set out in the five reports, the last of which is made up to the present day. The total number of agreements submitted have been 836, of which nine remain unsettled. The terms in those nine cases have been disapproved by us, and the parties have not amended them so as to meet with our approval.

110. What amount has been transferred to the common fund?—Three sums amounting to 300,000 *l.* have been transferred to the common fund, and a further large amount will become payable as the cases are actually agreed upon.

111. It is a gross sum of 300,000 *l.*?—Yes, already paid.

112. Has the Church Estates Commission a separate staff?—The whole of the transactions are carried on by the staff of the Ecclesiastical Commission, under the superintendence of the secretary.

113. Lord *R. Cecil.*] Does the management of the estates vested in the Ecclesiastical Commission pass through the Church Estates Commission?—Through the Estates Committee, of which the Church Estates Commissioners are necessarily members.

114. Marquis of *Blandford.*] Under whose authority do the acts of the Estates Committee go forth; under their own authority, or under the authority of the general Board?—The acts of the Estates Committee go forth in the name of the Ecclesiastical Commissioners for England.

115. *Chairman.*] Would your Lordship advise that the Church Estates Commission should be consolidated with the Ecclesiastical Commission?—The transactions are so similar in character to those affecting the properties belonging to the Ecclesiastical Commission, that the practice obtained in dealing with the latter very much facilitates the labour which otherwise would arise under this Commission. The reasons which originally led to the formation of a separate Board probably still affect the question, and as the division occasions no expense, it becomes a matter of indifference which arrangement prevails.

116. Lord *R. Cecil.*] Are the Estates Committee and the Commission practically different bodies, or are the deliberations of the Commissioners conducted mainly by the Estates Committee?—All the deliberations which relate to the management of property are conducted by the Estates Committee, or mainly so. A great many other matters are discussed at the general Board; sometimes they are delegated to the Estates Committee to report upon; sometimes they are decided without such report.

117. Marquis of *Blandford.*] The general Board, I believe, frame rules and regulations for the guidance of the Estates Committee, do they not?—Under the Act they have power to do so, but as yet the Board have not thought it necessary to exercise it.

118. Is it not the case that at the present time none of the acts of the general Board are valid except two of the Church Estates Commissioners are present?—It is so.

119. Lord *R. Cecil.*] Are there in practice a much larger number of Commissioners present at the Board than at the Estates Committee?—Yes, very often. I believe I have a return of the attendances. I have had one made out.

120. *Chairman.*] Will you state what members most usually attend the Board?—Those members of the Board who most constantly attend, not necessarily present, are the Archbishop of Canterbury, and the Bishop of London; they attend much more frequently than any others.

121. Marquis of *Blandford.*] Does your Lordship think that the regulation of the Act of 1850, which provides that two Church Estates Commissioners must always be present at the meetings of the general Board, is an advantageous arrangement?—

arrangement?—I think so, considering that there is more direct responsibility attaching to them.

122. How often does the general Board meet?—During the Session of Parliament it meets once a fortnight, excepting in the holidays.

123. *Chairman.*] The House of Commons Committee in 1839 made recommendations which they divided into five heads. What progress has been made in carrying into effect the first recommendation for the abolition of the injurious system of fines upon leases for lives, and also upon leases for terms?—At present the system of renewing leases, in consideration of the payment of fines, has ceased altogether upon nearly the whole of the separate estates of the deaneries and prebends, 370 in number, upon the corporate estates of the Chapters of Southwell, York, Carlisle, Chester, Peterborough, and Gloucester, and the sees of Bath and Wells, and Ripon; and so far as regards leases for lives, upon the estates of the sees of Canterbury, York, St. Asaph, Chester, Ely, Lincoln, Norwich, Peterborough, and Salisbury.

124. The second and third recommendations of the House of Commons Committee relate to the substitution of a fee-simple for a leasehold tenure throughout of the property of the Church. To what extent has this been carried into effect?—The Ecclesiastical Commission have enfranchised property of the value of about three and a half millions of money vested in them, and the Church Estates Commissioners have approved enfranchisements affecting property of about the same amount, as set forth in the fifth Report.

125. The fourth recommendation relates to the lessee's interest, and advises that the customary confidence of renewal by the lessee be considered according to local circumstances, by the authorities established in the principles of enfranchisement laid down by them. What has been done upon this subject?—The customary confidence of renewal has been met in the manner recommended by the Committee of the House of Lords, on the basis of the rate of fine previously required (see the 14th recommendation), and the fact of more than 1,300 transactions having been effected in five years, relating to property in all parts of the kingdom, and more especially in the northern counties, seems to indicate that the terms of enfranchisement have been generally satisfactory.

126. What generally will be the result of these proceedings as to the state of the Church property, supposing them to be carried on in a satisfactory manner and to be completed; what will be the change in the Church property?—There will be a considerable advantage in many instances; because by converting the leasehold property into freehold it is much more capable of improvement.

127. Have rent-charges been purchased in many instances by the Commissioners?—We have purchased the outstanding terms of rent-charges frequently, not very often others.

128. The House of Commons Committee, in 1848, advised the appointment of three paid Commissioners; has your Lordship any suggestion to make upon this subject with regard generally to the performance of business by the Commissioners?—As a matter of mere opinion, I have no doubt that the addition of a third paid Commissioner might be advantageous; and I should just like to notice that the return of attendances to which I have alluded would show that Mr. Lefevre has given a very large portion of his time to the Estates Committee business by attendance; and in addition to that he has been constantly accessible to us for his very valuable advice. It certainly occurs to me that the suggestion of the appointment of a third paid Commissioner would be by no means inconsistent with the continuance of Mr. Lefevre as a member of the Estates Committee; and if that Committee was increased by the appointment of another paid Commissioner, and was composed of two Government and one archiepiscopal paid Commissioners, and Mr. Lefevre remained as one of the unpaid Commissioners, and another Commissioner also unpaid appointed by the archbishop, in addition to the two members of the Ecclesiastical Commission now annually appointed at a general meeting, I think certainly the Committee would be strengthened, and the arrangement would not disturb the present proportion of the Commissioners as appointed by Crown and the archbishop, and would not cost more than was contemplated by the recommendation of the Committee, to which the noble Chairman has alluded.

129. Has the business been increasing, or has there been a want of sufficient strength for the transaction of the ordinary business?—The business has considerably increased, but I am not at all prepared to say that it falls too heavily upon the Commissioners; it has been necessary in some respects to increase the staff of the office.

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130. Marquis of *Blandford*.] Your Lordship was speaking of the possibility of an increase of members of the Estates Committee; and previous questions referred to the possibility of the bishops preferring that the management of their estates should eventually be conducted by the Church Estates Commissioners?—Yes.

131. Contemplating that increase of members of the Estates Committee, would it be your opinion that it might be advisable that one of the Commissioners should be nominated by the bishops?—I should think it more convenient that he should be named by the archbishop, as at present.

132. I was contemplating the existing arrangement subsisting, that one is nominated by the archbishop; but that in the event of an additional paid Commissioner being appointed, that additional paid Commissioner should be nominated by the bishops?—I think that it is desirable, if possible, to maintain the relative proportion as to the Commissioners severally appointed by the Crown and by the archbishop which exists at present, and by the arrangement which the noble Lord now proposes, that, I think, would be disturbed; because, in that case, the bishops would have two paid Commissioners upon the Commission, and the Crown would only have one.

133. At present the Commission consists of three members?—But only two paid Commissioners.

134. And your Lordship contemplated an increase of two, I think?—Of one paid Commissioner and one unpaid.

135. Your Lordship thinks that that additional Commissioner should be appointed by the Crown?—I think so.

136. Does your Lordship contemplate that the ultimate number of the Estates Committee should be five; that is, four paid Commissioners and one unpaid?—No; three paid and two unpaid, besides the two appointed by the Board.

137. *Chairman*.] Making seven members altogether?—Seven instead of five.

138. Marquis of *Blandford*.] There are now two paid Commissioners?—Yes.

139. And there would be one additional paid Commissioner?—Exactly so.

140. Mr. *Walpole*.] What your Lordship recommends is, that there should be five Church Estates Commissioners instead of three; that three of those should be paid instead of two as now, and that the other two should be unpaid?—Yes.

141. And that the Estates Committee should be increased to seven instead of five, as now composed?—Exactly so.

142. Marquis of *Blandford*.] Still there would be two additional Commissioners, one unpaid and one paid?—Yes.

143. One of those your Lordship contemplates should be appointed by the Crown; probably the paid one?—Yes.

144. And the unpaid one by the bishops?—By the archbishop. The bishops do practically appoint the two members of the Estates Committee, who are selected from the Board. They are appointed every year, and one of them is a bishop, the other a layman.

145. Sir *G. Grey*.] Am I to understand your Lordship to recommend that the Church Estates Commission, as distinct from the Committee, should consist of five, by the addition of two new members?—I think so.

146. To whom would you give the appointment of these two new members?—One to the Crown, and one to the archbishop.

147. Lord *R. Cecil*.] Your Lordship said, I think, that the Church Estates Commission was not overburdened with business?—Not at present. I alluded particularly to the Commissioners. The office, I am afraid, is somewhat overburdened; there is scarcely sufficient strength at present.

148. Is there any business in the hands of the Ecclesiastical Commissioners which could not be advantageously transacted by the Church Estates Commissioners?—They are the same men.

149. I understood your Lordship that the reference was necessarily from the Committee to the Board, that the Committee were not enabled to act independently; is it necessary that that arrangement should continue?—That is not quite a correct statement of the case. The Estates Committee is appointed under the Act itself, and subject only to such regulations as the Board from time to time make; but the Board may and practically do refer other matters, not matters connected with the management of the estates, to the Estates Committee, and having referred them either permanently from time to time, or specially, to report upon them, some of those matters are transacted and completed by the Estates Committee; others form the subject of reports to the Board, and then they are either adopted or rejected by the Board as they may think fit. But the result is,

that

that a very large portion of the labour formerly devolving upon the Board is now taken by the Estates Committee.

150. Is that ultimate reference to the Board an arrangement which you think necessary to continue, or might not the final settlement be left to the Church Estates Commissioners, increased as you propose?—I have a strong opinion that the Church and the public derive a considerable benefit from the occasional presence of the bishops at the Board. They are able to give us a great deal of local information which perhaps we might not otherwise obtain; besides which, I think that it gives a certain amount of confidence to the clergy and the country generally when they know that all the important questions affecting their interests are discussed in the presence of the bishops of the Church. Therefore I think the arrangement of the Act of 1850 a very convenient arrangement for the discharge of business, and for the proper security of the estates of the Church, and also one which is calculated to give satisfaction, and I think does in the main give satisfaction to the clerical members of the Church.

151. Sir *G. Grey*.] Is it not the fact, that under the present arrangement the whole management of ecclesiastical property in the hands of the Commissioners is practically transferred to the Church Estates Commissioners, and to the Estates Committee?—Certainly.

152. Subject to revision on the part of the General Board?—Not as regards estates, because the Committee have by the Act the exclusive management of the estates.

153. Then in respect of what business does the general Board exercise a supervision over the proceedings of the Estates Committee, or of the Church Estates Commissioners?—In all matters not directly affecting the management of estates; for instance, questions of augmentation of benefices.

154. Then are the Committee to understand you, that in all matters affecting property the general Board is deprived now of any right of action, and that the management is transferred to the Estates Committee, or to the Church Estates Commissioners?—Except so far as the Board is empowered by the Act to make regulations for the guidance of the Estates Committee. The Church Estates Commissioners as a separate body are totally independent of the Board.

155. In respect of the duties which they perform under the Act of 1851?—Yes.

156. Then in what respects does the existence of the general Board give confidence to the clergy or to the public, in regard to the management of ecclesiastical property?—I alluded rather to the expenditure of the funds of the Church than to the management of property.

157. With regard to the expenditure of the funds of the Church, does the Estates Committee exercise any separate control or jurisdiction?—No; only so far as it is delegated by the Board.

158. And in respect of matters delegated by the Board to the Estates Committee under the authority provided in the Act, the general Board exercises a power of supervision, and must confirm any of their acts before they are valid?—Generally so; all acts which require the seal.

159. Practically, what has been the result of that; has the Board generally confirmed the previous decisions of the Estates Committee?—Almost invariably.

160. There has been no collision between the two?—I should say none at all. The only instances which I remember are cases where the Committee have had a subject referred back to them to re-consider, and in the end I think we have been unanimous in almost every case; we have sometimes altered our decision.

161. Do you think that the practical result is that while, as your Lordship has said, the clergy feel a confidence which they would not do if these matters were not discussed sometimes in the presence of the bishops, yet, as a matter of business, the business is transacted by a small body, more capable of attending to all its details than a large one?—Certainly.

162. *Chairman*.] Will your Lordship hand in the Tables of attendances?—

[*His Lordship delivered in the same, which are as follows:*]

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ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

GENERAL MEETINGS of the BOARD, from the Commencement of the Year 1851 to end of 1855.

Total Number of Meetings.	Attendances.	Commissioners.
93	88	Goulburn, Right Hon. Henry.
	84	Chichester, Earl of.
	61	London, Bishop of.
	60	Canterbury, Archbishop of.
	56	Lefevre, J. G. S., Esq.
	34	Oxford, Bishop of.
	28	York, Archbishop of.
	27	St. Asaph, Bishop of.
	27	Salisbury, Bishop of.
	25	Harrowby, Earl of.
	24	Worcester, Bishop of.
	17	Cardwell, Right Hon. Edward.
	18	Rochester, Bishop of.
	18	Winchester, Bishop of,
	16	Bangor, Bishop of.
	15	Gloucester and Bristol, Bishop of.
	14	Ripon, Bishop of.
	14	Lichfield, Bishop of.
	12	Carlisle, Bishop of.
	12	Llandaff, Bishop of.
	10	Chester, Bishop of.
	10	Graham, Right Hon. Sir James.
	9	Chichester, Bishop of.
	9	St. David's, Bishop of.
	9	Lincoln, Bishop of.
	9	Norwich, Bishop of.
	9	St. Paul's, Dean of.
	9	Hobhouse, Right Hon. Henry.
	7	Manchester, Bishop of.
	4	Peterborough, Bishop of.
	3	Bath and Wells, Bishop of.
	3	Ely, Bishop of.
	3	Hereford, Bishop of.
	2	Exchequer, Chancellor of.
	1	Treasury, First Lord of.
	1	Nicholl, Right Hon. John.

MEETINGS of the ESTATES COMMITTEE, from 30th August 1850 (date of first Meeting) to 31st December 1855.

Total Number of Meetings.	Attendances.	Commissioners.
207	199	Goulburn, Right Hon. Henry.
	197	Chichester, Earl of.
	149	Lefevre, J. G. Shaw, Esq.
	108	London, Bishop of.
	23	Graham, Sir James.

CHURCH ESTATES COMMISSIONERS.

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MEETINGS of COMMISSIONERS, from 1st October 1851 (date of first Meeting) to 31st December 1855.

Total Number of Meetings.	Attendances.	Commissioners.
157	151	Goulburn, Right Hon. Henry.
	150	Chichester, Earl of.
	105	Lefevre, J. G. Shaw, Esq.

163. Mr. *E. Denison.*] I wish to ask your Lordship a few questions upon a different branch of the subject, but a very important one, and that is with reference to the direct management of the estates which have fallen into the hands of the Commissioners, in which they stand in the position of landlord; will you be so good as to tell the Committee where any considerable amount of property of that nature lies?—I have two returns in my hand from the two agents employed by the Commissioners, one of which is of the division of the property in the northern part of the kingdom, managed by Messrs. Pickering & Smith. Of the estates under their management, I see that the principal acreage is, in Durham, 1,258 acres; Nottingham, 2,300; and York, 3,423. Then I should add, that of the acres in York, which are by far the largest estate that we have at present in hand, 2,250 will go to the Chapter of York, and 1,170 to the See of Ripon.

164. In the county of Nottingham you named a large acreage?—Yes, 2,300.

165. Does a very considerable part of that lie in the parishes of Norwell and Norwell Woodhouse?—It does; more than half.

166. How is that property now managed; what degree of immediate supervision do the Commissioners exercise over that property?—It is managed, of course, by the agents to whom I have alluded, Messrs. Pickering & Smith, and the only supervision that I personally have been able to give to it has been by the reports of other gentlemen who have happened to see it. I have inquired from time to time, but I have never had an opportunity of seeing it myself. I am satisfied from the accounts which I have heard that the management is efficient.

167. Suppose there are important questions relating to the mangement of property, as to the sum that should be laid out in buildings, and so forth, do those agents act upon their own responsibility and judgment, or do they take the opinion of the Commissioners upon such matters as those?—Everything is submitted to the Commissioners, and very often very much discussed.

168. Can you tell us at all what is the expense of the management of an estate of 2,000 acres; have you made any estimate of the expense of management under your system?—The expense in the way of outlay for improvement, of course, is very variable.

169. I do not mean that. First of all, what is the expense of agents, lawyers, architects, and so forth. Generally, how would your expense, in such management, tally with the expense of individual proprietors?—I can only state it, as matter of opinion, having compared it with the management of other estates, that in so far as the cost of management goes, putting out of the question the improvements, it is very moderate. I consider it to be very much upon a par with the management of my own estates, which I have managed for more than 20 years.

170. There has been a great deal done in the parish of Norwell; there have been considerable buildings made, I believe?—There have been some.

171. There are some rather remarkable circumstances connected with the buildings and operations upon that property, respecting which I wish to ask you a few questions?—I do not think I can tell you as to those.

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172. There were a large farm-house, with a large barn newly built, stables, and considerable buildings not quite sufficient for a large farm, but which, with small additions, might have been made suitable for a farm. All those buildings, with the exception of the house, were pulled down, and entirely new farm buildings at a very large cost have been erected very near indeed to those buildings of which I have been speaking?—I do not recollect the particulars at this moment.

173. Sir *G. Grey.*] I suppose you could obtain all the information upon this subject?—Yes; it is all in the office, and it has been all before me and been approved, but I do not at this moment recollect the particulars.

174. Mr. *E. Denison.*] Would the question of giving notice to tenants to quit come under your observation?—Yes.

175. Are you aware that all the leading tenants on the property of the Commissioners in this parish are at this moment under notice to quit?—I do not at this moment carry in my mind the properties themselves, and the farms in that parish. I have a return of the acreage; there is a good deal of property in that neighbourhood.

176. You perhaps would be surprised if I were to tell you that your agent gave notice to quit to all the leading tenants in the parish of Norwell before October, before the right time; that he came down at Christmas to receive the rents, but gave no information nor assurance to those tenants what was to happen to them; that he was in too great a hurry then to tell them what would be their fate?—I can only answer generally.

Martis, 4° die Martii, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Walpole.
Sir George Grey.	Mr. Ingham.
Sir J. Pakington.	Lord Robert Cecil.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

The Right Hon. the Earl of *Chichester*, attending by permission of the House of Lords, further Examined.

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177. *Chairman.*] HAVING gone through the general questions as to the constitution of the Ecclesiastical Commission, in what way does your Lordship propose to bring before the Committee the details of its working?—I think a statement of the actual proceedings will best satisfy the Committee on those points. I have with me the Return asked for by Mr. Denison, which I will put in, relating to Norwell, and also the details of Mr. Denison's own enfranchisement, as illustrating the manner in which such cases have been treated. I also put in the York Chapter Commutation File, as illustrating how commutation cases have been treated, and also the case of the Marquis of Huntley, in which the Estate Committee referred the question of value to arbitration; also the case of Mr. Frewen, in which the Church Estate Commissioners sanctioned a reference to arbitration. I propose to put these papers in at once, as illustrating the mode in which we have dealt with the details. The Committee can, of course, call for any further information. The secretary is present, and if the Committee will proceed to examine him on the different branches of the business, both of the general

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general Board and of the Estate Committee, he will produce from the office whatever details the Committee may call for. [*The several papers were delivered in.*]*

178. Marquis of *Blandford.*] Can you inform the Committee what acreage of property the Commissioners have now under their management?—The estates are divided into two great sections, and are managed by two different agencies. The estates in the southern section, managed by Messrs. Clutton, consist of 7,410 acres. In the northern section the estates, managed by Messrs. Pickering and Smith, amount to about 7,900 acres.

179. Is that only the property which is vested in the Commissioners and belonging to them, or does it include the estates which the chapters and sees have made over to them temporarily?—This is entirely confined to property vested in the Commissioners or purchased by them.

180. Is that the whole amount of the estates let at rackrent which the Commissioners possess in hand?—The whole.

181. They have a considerable number of leases upon their property, have not they?—A considerable portion of this property, particularly in the northern section, to the extent of 2,000 or 3,000 acres, consists of the estates which we are about to hand over to the Chapter of York.

182. Can your Lordship form any idea as to what amount of landed property in hand at rackrents the Commissioners will have when the enfranchisements are concluded?—I am not able to answer that question.

183. It will doubtless be a considerably larger amount; more than as much again probably?—Very much larger; I am not prepared to say how much. In my evidence the other day I stated that a large portion of the separate estates of prebends, which are vested in the Commissioners, are still held upon beneficial leases. The whole of them will come into possession as those leases expire. A very small proportion of them have as yet come into hand.

184. Some of those leases, I presume, are those with respect to which enfranchisements are contemplated?—Yes.

185. Do you contemplate enfranchising all the leases, or do you contemplate allowing some of them to run out?—Some probably would be allowed to run out. In some cases we purchase the outstanding term of the lessee's interest, and so get into possession; in others we sell the Church's reversion to the lessee. Where there is no wish to deal on the part of the lessee, and it appears a desirable property to have, the Commissioners will allow the lease to run out.

186. Can your Lordship state what is the value of the tithe rentcharge vested in the Commissioners?—I have not that return with me; it can easily be obtained.

187. Sir *G. Grey.*] When you say that some leases will run out, what are the cases in which that course will be adopted; are they cases in which the Commissioners and the lessees have not been able to come to any arrangement?—I am not alluding to any particular cases at the present moment. There might be some cases in which it would be very desirable for the Church to obtain possession, and where the lessees might not be anxious either to purchase the reversion or to sell their own outstanding term.

188. Where the lessee is willing either to sell or to purchase, do you refuse to entertain any proposal of that kind in any case, and insist upon the lease running out?—I think not. If it is so, it is one of those special cases which are mentioned in the annual Report of the Commissioners.

189. *Chairman.*] In the case of the estate which is to be transferred to the Chapter of York, how will that estate be managed after being so transferred?—By the chapter themselves.

190. Entirely by the chapter?—Entirely by the chapter.

191. With regard to those cases in which the dean has an income which has been fixed by Act of Parliament, and the members of the chapter will receive fines from renewal, is not there a difference of interest between the dean and the chapter in cases of renewal?—The dean has no interest; where the dean receives a fixed income, and the Commissioners make up the difference, he has no interest in the return from the capitular estates.

192. In those cases, do you endeavour to have the estates transferred to the Commissioners?—We have been always willing to do so, except in one case, which I mentioned to the Committee; I think it was the case of the Chapter of Bristol, in which the arrangement did not appear sufficiently desirable to encourage us to entertain the proposal.

* *Vide* Appendix, pp. 269, 360, 365, 375, 418.

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193. Will you explain that case, if you remember it?—I cannot recollect the particulars of it, but it turned upon the amount and value of the property, which would not have been enough to have enabled the Commissioners to deal with it, with any immediate advantage to the common fund.

194. Is not the consequence of the Commissioners declining to deal with it, that the leases are renewed upon fines upon terms which are disadvantageous to the Church?—I am afraid, to a certain extent, it must be so; but it probably would be scarcely possible for the Commissioners to deal with all the chapters of the country at once; it would be more than we should be able to undertake.

195. Sir *J. Graham.*] Did not the dean and chapter first specify the terms on which alone they were prepared to treat; did not they state the minimum of the fixed allowance which they would receive?—I do not remember into what details the correspondence went.

196. Of course, whether it would be desirable or not to come to an arrangement for a fixed income to be given to the dean and canons in consideration of the transfer to the Ecclesiastical Commission of their property, would depend upon the terms on which the dean and chapter were willing to receive a fixed income?—Of course; but as there were more chapters than the Commissioners could probably deal with at the present time, of course it rested with them to select; and it did not appear to the Commissioners that this was one of the most eligible cases.

197. And in the selection, would they not be guided by a comparison of the value of the property to be transferred, and the fixed income they would be called on to pay?—Just so.

198. Sir *G. Grey.*] What is the necessity for that selection; why should not the Commissioners be able to deal with all the chapters who are willing to come to an arrangement with them, provided the chapter property be of sufficient amount to enable them to pay the fixed income?—Merely that we do not wish to increase our transactions too rapidly; it has been found more desirable to carry on enfranchisements gradually.

199. In the meantime, all the deans and chapters who do not come to any arrangement with the Commissioners are at liberty to deal with the property as they have hitherto done, granting leases for lives on fines?—Yes, subject only to the restrictions of the law in that behalf.

200. Sir *J. Pakington.*] Are there any cases in which deans on the old foundation have elected to be paid altogether by a fixed salary from the Ecclesiastical Commissioners, instead of receiving their income, as I believe most of them do, partly by taking the income of one stall and having the difference made up?—I cannot answer that question at the moment.

201. Is it open to them all to do that?—Yes.

202. In which case, the income of that stall would be paid over to the Ecclesiastical Commissioners?—Yes.

203. Lord *R. Cecil.*] Why are you unwilling to submit to any increase in your transactions?—Those transactions either involve a considerable amount of outlay, or else a suspension of receipts; and as our payments are very large, we cannot afford to defer the receipt of income in any large number of cases for a lengthened period.

204. It is not on account of the inability of the office to master the business?—No; I can explain in a moment how the difficulty arises by reference to the case of Carlisle. The arrangement with Carlisle is one which we consider a very beneficial one to the common fund; but at the same time, pending the arrangements during the past two years, the payments to the chapter have exceeded the receipts which the Commissioners have obtained in the way of rent.

205. Mr. *Walpole.*] Practically speaking, where the Commissioners have declined to enter into these arrangements, it has been because, on consideration of the case, it has appeared that it would be pecuniarily disadvantageous to them?—Yes.

206. But the cases in which they have declined have been comparatively few?—I think the only cases are Bristol and St. David's.

207. Marquis of *Blandford.*] Are there not a large number of applications to enfranchise?—On the part of lessees there are a very large number.

208. In the event of such a case occurring as that which the Committee have been considering, the Chapter of Carlisle, for instance, having made over their estates to the Ecclesiastical Commissioners, supposing applications to enfranchise are

are made on the part of the lessees which are agreed to, the sums so received are invested, if there is no immediate investment for them in other purchases, in the public securities; would not that be a means of providing an income for the chapter equal to that which it had previously possessed, without any special drain on the common fund?—By the Order in Council authorising these commutations, all moneys received for sales are invested and tied up for the use of the chapter till the estate in fee is handed over to them. They would not be strictly available in the manner which the noble Lord contemplates.

209. If I understand your Lordship aright, you say that all moneys received for enfranchisement are tied up for the use of the chapter?—They are so tied up till the estate in fee is handed over to them.

210. Sir *J. Graham.*] The proceeds do not go to the common fund?—No; they are declared not to be applicable to the purposes of the common fund.

211. Marquis of *Blandford.*] By means of receiving applications for enfranchisements, and having the purchase money paid over, might not the private income of the chapter be increased without there being any drain upon the common fund?—It would very much diminish the security to the chapter if the provision of the Order in Council in this respect were altered, and I scarcely think the chapters would consent.

212. In what way would it diminish their security?—Because now the whole of the proceeds are tied up until a sufficient estate is handed over to them; and this is not only a security, but it is also a great inducement to the Commissioners to accelerate the completion of the arrangement; because, till the arrangement is completed, these proceeds, though bearing interest, and not being idle, are not available for the purposes of the common fund.

213. I do not think your Lordship quite understands the point of my question. The enfranchisements are virtually a sale of the estates. Would not therefore the sale of the capitular property release a sufficient amount to yield the income of the chapter, without any drain being made upon the common fund?—Ultimately it does so, with a considerable gain to the common fund; but I understood the question to relate to the period pending the transactions, while the estates were in process of consolidation for conveyance to the chapter.

214. Would not the enfranchisements or sales take place sufficiently rapidly to ensure there being a sufficient sum in hand to pay the income of the chapters during the temporary stage?—They would, but we should be paying the chapters out of capital, and out of capital which is tied up in order to secure the final arrangements with them being completed.

215. Of course my question alluded to the interest of the sums received. Would not the interest be sufficient to yield the income of the chapter?—I should hardly think so.

216. Sir *J. Pakington.*] With respect to the arrangement to which your Lordship has adverted with the Chapter of York, I understand you to say that an arrangement is in progress for making over certain estates to the Chapter of York?—Yes.

217. That is the first arrangement of the kind which has been made, is not it?—It is the first arrangement which was begun, and it has arrived at a greater maturity than any other, inasmuch as we have made an offer to the chapter of an estate equal to the income of the chapter, which, however, has not been yet accepted.

218. That arrangement has not been completed?—No; the chapter has not yet accepted the offer.

219. Was that arrangement commenced by the desire of the chapter, or was it a suggestion emanating from the Commissioners?—It originated with the chapter.

220. What estates are they which you are going to turn over; are they part of the original property of the Chapter of York?—Some of them are, and some of them are not. I believe I have already put in, if not, I can do so, a schedule showing the estates which were so offered, consisting partly of estates in land, and partly of tithe rentcharge.

221. Upon what principle was the value of the estates so to be turned over to the Chapter of York estimated?—It was estimated upon the ascertained income of the dean and canons, during, I think, the preceding seven years. Supposing, for example, the income to which the chapter were found entitled to be 5,000 *l.* a year,

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a year, we secured and proposed to hand over to them a consolidated estate, conveniently situated for their management, worth a clear amount of 5,000 *l.*

222. I understand the arrangement to have been this; assuming the aggregate income of the dean and chapter to be 5,000 *l.* a year, you are about to turn over to them an estate which will yield a clear income of 5,000 *l.*?—Yes.

223. Is that estate handed over to the chapter in perpetuity?—It will be.

224. So that henceforward they will either improve the estate, and receive any advantage they can derive from that improvement, or they will sustain any loss accruing from a fall in its value?—Yes.

225. *Chairman.*] I presume that they are precluded from letting the estate or leasing for lives on fines by Act of Parliament?—Yes.

226. Sir *J. Pakington.*] But they will be free to receive any increased income which the changing circumstances of the times may enable them to raise from that estate?—Clearly so.

227. *Chairman.*] As I understand you, this is an arrangement made at their desire, a part of that arrangement being that they shall receive a fixed stipend from the Commission?—Yes; perhaps I ought to add, that it will be found in the correspondence which I have put in this morning that one of the grounds of demur on the part of the chapter is, they would like to be secured against any possible depreciation.

228. Have any stipulations been entered into as part of this arrangement by which the chapter is to be protected from contingent loss?—No, there have been none.

229. Sir *J. Pakington.*] I inferred, from one of the first answers your Lordship gave me, that this is only one of several arrangements of the same kind which are in progress; is that so?—It is.

230. Are the Committee to infer from what your Lordship has stated upon this subject, that the Ecclesiastical Commission prefer such arrangements to the payment of a fixed stipend from the chapter?—Yes, they prefer them, because by the enfranchisements, which are more readily effected from the estates being handed over to their management, a very considerable surplus accrues to the common fund, and accrues much sooner than it would accrue if the enfranchisement were left to the chapter.

231. *Chairman.*] Is there any surplus derived now to the Commission or to the common fund from those estates at York which formerly belonged to the Chapter of York?—The transaction is not yet completed; there is a surplus, but it is not yet handed over to the common fund.

232. Sir *G. Grey.*] Will the estates which will be handed over by the chapter to the Commission when the arrangement is completed exceed in annual value the estates reassigned to the chapter, with a view to give them the income to which they will be entitled; will it, in short, be a profitable transaction to the Commission?—Very considerably so.

233. Lord *R. Grosvenor.*] How is it that the common fund is a gainer by the transference of these estates instead of the payment of a stipend?—I have before me a Report on the Chapter of York, wherein are stated all the facts of that case. It is the Report of Mr. Edmund James Smith, the agent, to the Commissioners, upon the commutation of the estates of the Chapter of York. He says, "As it may prove convenient to note the progress of dealing with the estates transferred to the Commissioners under this commutation, I beg to submit a statement of the results of the transactions of the past year. The values of the whole of the estates have been ascertained, and the aggregate value is 427,000 *l.* Deducting 13,300 *l.* as the value of the estates in possession at the time of commutation, there remains 413,700 *l.* leased to various parties, and of this about 42 per cent was leased for years, and 58 per cent. was leased for lives. The total value of the estates leased being 413,700 *l.*, there have already been enfranchised, either by lapse or by sale and purchase, estates of the value of 252,597 *l.*; and the interest of the Commissioners in this portion of the estates leased proves to be 123,855 *l.* This sum of 123,855 *l.* added to 13,300 *l.*, the value of the estates in possession, gives a total of 137,155 *l.* already obtained. I find that the leased estates remaining to be dealt with, valued at 161,103 *l.*, will certainly not produce less than a present sum of 70,000 *l.*, and the enfranchisement of a large part of such remaining estates is in progress. The total value of the Commissioners' interest is therefore 137,155 *l.* already obtained, and at least 70,000 *l.* in respect of the portion not yet dealt

dealt with, making a total of 207,155*l.*; and as the annuity to be provided is 4,410*l.*, it is clear that the surplus of 50,000*l.*, which my Report of 17th July 1852, on which the commutation was based, stated would be obtained, will be fully realised. Contemporaneously, purchases of leasehold interests have been effected in Yorkshire, so that the chapter may be put into possession of a convenient permanent estate in the course of the current year."

234. Is the estate which is about to be transferred to the Chapter of York exactly of the value at which their income is calculated, or is it of that value over and above what you consider to be the expense of management?—It is meant to yield a clear net income of 4,000 *l.* a year, or whatever the amount may be.

235. A sum over and above all the expenses of management?—Over and above all the outgoings.

236. Of course the value of that property will very much depend upon the management?—Clearly so. I believe I stated that part of it was rentcharge, which cannot be fairly said to be improvable; but a very large proportion is real estate of a very good character, and therefore capable of considerable improvement.

237. Marquis of *Blandford.*] There are some chapters where the canonries are suspended, and the Commissioners are entitled to the proceeds of those canonries?—Yes.

238. I see that the receipts from the capitular revenues are 61,000*l.*, according to the Report of the present year?—Yes.

239. There are also some chapters where the Commissioners have increased the incomes; the incomes have been made up to a certain amount?—Yes.

240. Are there any cases in which there are chapters, some of the canonries of which are suspended, and therefore where a portion of the income is appropriated to the common fund, in which same chapters the Commissioners have made payments for the increase of the incomes of the other canons?—I think there are.

241. In those cases, therefore, while the common fund is entitled to a portion of the income, still another payment is made out of the common fund again to the chapter, so that probably, in the result, the common fund will obtain very little from such chapters?—I cannot recollect what the cases are.

242. Are there other cases in which the Commissioners derive a considerable sum from the chapters?—Yes; in some there are a considerable number of suspended canonries.

243. Have there been any applications on the part of chapters to the Commissioners to take the management of estates into their hands, in a manner similar to that which has been done with respect to the Chapter of York, in cases where a very considerable payment is made by them to the Commissioners?—I think not above one or two.

244. The applications for the management of estates have been principally on the part of chapters who do not pay much over to the common fund?—They are principally, I may say, from the poorer chapters.

245. Mr. *Mowbray.*] Does your Lordship recollect the correspondence which took place in 1855 between the Commissioners and the Dean and Chapter of Durham, with reference to subscriptions for three local objects, the Diocesan Church Building Society, the Diocesan Training School, and the Diocesan Fund for the Sons of the Clergy?—I recollect perfectly well the correspondence with the Chapter of Durham respecting their accounts, and that there were some items in the accounts which were sent up to us to which the Commissioners demurred, as in their opinion not being strictly for capitular objects.

246. Is your Lordship aware that the Commissioners threatened the dean and chapter with proceedings in Chancery in reference to those payments?—There was a letter, warning the chapter that if some of those items were persevered in, the Commissioners must have recourse to legal proceedings.

247. Was that letter written by the secretary or by the Commissioners?—It must have been written by the secretary. I do not recollect whether it was originally drafted by him or by a Commissioner.

248. Is your Lordship aware whether the Commissioners were cognizant of the threat contained in that letter of legal proceedings?—Certainly. Whatever the letter contained the Commissioners ordered, and therefore they were cognizant of its contents.

249. Before threatening the chapter with legal proceedings, did the Commis-

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sioners take the opinion of counsel with respect to the possibility of sustaining a suit in Chancery?—They did.

250. I believe, upon the receipt of the letter from the Commissioners, the dean and chapter also took the opinion of counsel?—I may here observe that I am afraid I shall not be able to give very accurate evidence as to those details. If the Committee are going to call the secretary, I think he will be prepared to do so. I can answer generally, but I have not referred to the matter in detail, and can only speak from recollection.

251. Speaking generally, your Lordship states that the threat of legal proceedings emanated from the Commissioners?—Yes; if it can be called a threat.

252. I believe the dean and chapter have declined to discontinue the subscriptions, and the correspondence has terminated for the present?—As far as I recollect, the last communication from the chapter was the opinion on the case which they had submitted to counsel.

253. They forwarded to the Commissioners an abstract of the case and the opinion which they had received from counsel, and acting upon that case and opinion they have resisted the demand of the Commissioners, and the Commissioners have taken no steps to enforce the demand?—In reference to those objections to the accounts, I may mention that it has been always rather a difficult thing for the Commissioners, and especially for the treasurers, to know how far they are justified in allowing payments out of a capitular income previous to the division by the chapter, of various sums which the chapter have been in the habit of paying, but which are not strictly for capitular objects. The treasurers felt it their duty, jointly with their colleagues, to take counsel's opinion upon some of those cases, and upon counsel's advice the letter was written originally by our late colleague, Mr. Goulburn, proposing an arrangement, and laying down certain rules for the guidance of the chapters and the Commissioners if the chapters approved of them. In some instances the chapters at once approved of those rules, and in regard to one chapter, the Chapter of Westminster, in conjunction with Lord John Thynne, the sub-dean, we not only agreed to the kind of charitable donations which were hereafter to be considered as given for capitular objects, and therefore to be allowed in the accounts, but we also agreed to a form of accounts, which has been adopted by the Chapter of Westminster, and which is an exceedingly clear and satisfactory form of accounts, which we have had printed and recommended for the adoption of all other chapters. Some of them have partially conformed to it, but, generally speaking, they have expressed their inability to do so.

254. Lord *R. Grosvenor*.] Is that form of accounts which you have had printed before the Committee?—I have not put it in; I can do so.

255. Mr. *Mowbray*.] Does your Lordship recollect whether the opinion, upon the strength of which proceedings were threatened against the Dean and Chapter of Durham, was one which was taken, not with respect to their payments, but with respect to payments made under differences which had arisen with the Dean and Chapter of Westminster, to which your Lordship first alluded; was not it in fact an opinion taken on a different state of facts?—My belief is that it was on the same state of facts, though relating to a different chapter. I am now speaking entirely from recollection. I am under the impression, however, that counsel was again consulted upon the Durham case. The cases were precisely similar, and they have occurred in many instances. If I might venture to suggest, I think, if the Committee would ask for the correspondence and examine the secretary upon it, they would more readily obtain all the particulars.

256. Sir *W. Heathcote*.] Your Lordship, in your answer to Question 15, has adverted to grants under the local claims section of the Act; will you have the kindness to state what are the principles which govern the Commissioners in making those grants for local claims?—The principle which regulates them is the enactment in the 67th section of the 3d & 4th Victoria, "Provided always, that in making any such additional provision out of any tithes, or lands, or other hereditaments allotted or assigned in lieu of tithes so vested or to be vested in the said Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen."

257. Have the Commissioners laid down any principles to govern them with respect to the application of that clause to each case as it arises?—Each case as it arises comes under the consideration of the Commissioners, and they make such grant

grant as appears to them to be required by the terms of the Act and by the wants of the particular parish.

258. Are there no general principles laid down by the Commissioners upon which they act with respect to the amount of population, the nature of the patronage of the benefice, and other circumstances which may appear?—Certainly not in relation to the patronage of the benefice.

259. *Chairman.*] Do those questions occur on the vacancy of a bishopric; is the income of the future Bishopric of Carlisle, for example, to be regulated by the subtraction of any amount which may be required for local claims?—No; his income will not be affected by that.

260. Would any sum required for local claims in any particular parish be applied according to the section which you have read, and the income be made up from other sources?—No; the case would not arise unless the property in tithes, or land in lieu of tithes, came into the possession of the Commissioners; supposing, for instance, that upon the late vacancy of the See of Carlisle, which vacated a prebend of St. Paul's, and vested the property of the prebend in the Commissioners, if that was tithe property and actually came into possession, the local claim would arise at once, and would be immediately considered by the Commissioners.

261. Sir *G. Grey.*] Does that case only arise with respect to tithe property?—Tithe, or land in lieu of tithe.

262. Lord *R. Grosvenor.*] Are the cases very numerous in which you have listened to local claims?—I have in my hand a return of all the local claims; it does not give the number of the places, but it gives the amount of grants. The annual amount of the grants made in recognition of local claims is now 12,192 *l.* per annum.

263. In the Report of the Commissioners, can we find what the circumstances of the parishes have been?—Yes. Every augmentation appears in the schedules to the Reports.

264. And therefore, of course every augmentation on the ground of local claims will appear there?—Yes.

265. Is the nature of the local claims also stated, such as the want of spiritual supervision, the population, the want of a parsonage-house, and so on?—No; the schedule gives merely the names and the amount.

266. Is there any statement of the number of refusals of applications which have been made?—I am not aware that there has been any actual refusal; we have always felt that we were bound to consider an application, and unless a parish was very well endowed indeed we should probably make some grant.

267. Are you to be understood as saying that it is your impression that you have never refused any application for supplying the spiritual wants of a parish in which you drew the great tithes?—I have no recollection of any instance; of course it might occur, because the parish might be quite sufficiently endowed, but the cases are so very rare that I doubt whether there has been an instance; certainly none lately.

268. Sir *G. Grey.*] Can you furnish a return of all the cases in which the Commissioners have admitted local claims, and have made augmentations out of tithe property which has come into their hands in consideration of local claims?—Yes.

269. Lord *R. Grosvenor.*] If a case were brought before you in which a parish pays 1,500 *l.* in the way of rentcharge to make up the income of the bishop, and has been compelled to build and endow three new district churches, three parsonage-houses, and six schools, should you consider that to be a case which would come under the designation of a local claim which ought to be attended to?—Certainly, if that rentcharge had come into the possession of the Commissioners instead of the bishop; being in the bishop, we could not deal with it.

270. Sir *G. Grey.*] Even if it came to the Commissioners, would not they take into consideration the income existing in that parish applicable to ecclesiastical purposes independently of this rentcharge; would not they feel themselves bound to consider a local claim with reference to the circumstances of the parish and the income which it derived, independently of the property coming to the Commissioners?—We should consider all the circumstances, but supposing there was a rentcharge in process of coming to the common fund, we should feel it our duty to consider the spiritual wants of the parish, and if they were found to be inadequately supplied we should certainly make the grant.

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271. Though they were found to be inadequately supplied, if the means existed independently of this rentcharge of adequately supplying them, would not you feel yourselves at liberty to apply the proceeds of the rentcharge in aid of spiritual destitution in other parts of the kingdom?—Yes.

272. *Chairman.*] In the case of the Bishop of Bath and Wells, did I rightly understand your Lordship to say, that estates which formerly belonged to the see were now coming to the Commissioners?—Yes.

273. In that case if there were any great tithe, where the local wants justified the application of it, the Commissioners would attend to those local wants?—The estate of the Bishop of Bath and Wells only comes to the Commissioners subject to a restriction similar to that which exists with respect to the chapters of York and Carlisle, on which I have already given evidence. Till the arrangement is completed none of those rentcharges can come into the possession of the Commissioners so as to be applicable to meeting local claims. If, after the completion of the arrangement with the bishop any residue of any rentcharge should remain in the Commissioners' possession, the local claim would arise, but not till then.

274. Mr. *Mowbray.*] Does your Lordship know the amount which has been received out of the ecclesiastical revenues of Durham for the last 20 years by the Ecclesiastical Commission?—I can supply a statement of it. It is before the House up to a recent period.

275. In answer to Question No. 10, your Lordship alludes to a considerable balance unexpended of the Maltby Fund; does your Lordship know what the amount of the unexpended balance is?—It was 5,000 *l.* at the date of the last Report.

276. £. 5,000 is unexpended out of 21,275 *l.*?—Yes.

277. Has that been unexpended because the Commissioners have had no cases brought before them of parishes in which a parsonage-house is required?—Not a sufficient number. I believe one reason is, that we only expend this fund to meet benefactions from other sources, and some of the clergy in the diocese who are most in need of parsonage-houses are so poor, and have so few friends who can help them, that they have been unable to produce the amount of benefactions necessary to obtain a grant.

278. Are the Committee to understand that in several instances applications for a portion of this fund which is unexpended have been refused?—Yes; I think there have been a few refused on the ground that they were not proper subjects for a grant; but we constantly communicate with the Bishop of Durham on the subject of these grants.

279. Has the refusal proceeded on the ground of the poverty of the benefice and the inability of the incumbent to give anything towards the building of the house?—There has been no refusal upon that ground; in such a case the grant lapses because it is not taken up by the incumbent, he not being able to provide the remainder of the sum necessary to erect the house.

280. So that the greater the poverty of the benefice the less chance the incumbent has of receiving anything from the fund?—In a certain sense that is true. We have not thought it right to pay more than 400 *l.* as a grant, but it is seldom possible to build a substantial glebe-house for less than 900 *l.* Consequently, either by borrowing of Queen Anne's Bounty, or by contribution from private sources, the incumbent must produce at least another 500 *l.* In many instances they are unable to do that, and consequently they are unable to avail themselves of the grant.

281. When the incumbent is unable to do that by reason of the poverty of the benefice the Ecclesiastical Commissioners contribute nothing?—No.

282. Lord *R. Cecil.*] Is that rule laid down by the Commissioners, or is it laid down by the Bishop of Durham?—It was laid down with the bishop's concurrence.

283. Will your Lordship state in whose name the Estates Committee administer the estates which are in their management; is it in their own name, or in the name of the Commissioners?—In the name of the Ecclesiastical Commissioners.

284. And yet the Ecclesiastical Commissioners never see the deeds?—We execute the deeds as the Ecclesiastical Commissioners.

285. The Estates Committee execute in the name of the Ecclesiastical Commissioners?—Yes; the Estates Committee are not a corporation; the Ecclesiastical Commissioners are.

286. The deeds purport to be executed by the Ecclesiastical Commissioners, and yet the Estates Committee are the only persons who ever see them?—Yes.

I do

I do not suppose the individual Commissioners ever see them, except those who may be on the Estates Committee.

287. The result is, that whatever responsibility is involved in the management of the estates falls on the Ecclesiastical Commissioners, although the management is really with the Estates Committee?—Yes. The only qualification of that is, that the Ecclesiastical Commissioners have the power under the Act of making rules for regulating the proceedings, besides electing two of the members of the Estates Committee.

288. But the individual details of management, though carried on in their name, are entirely out of their control?—Not entirely; practically, no doubt, they are carried on by the Estates Committee.

289. Mr. *Walpole.*] The Estates Committee report to the Ecclesiastical Commissioners before the deeds are executed, do they not?—No.

290. Lord *R. Cecil.*] With reference to the estates of bishops which have passed into the management of the Ecclesiastical Commissioners, are they managed in the names of the bishops, or in the name of the Ecclesiastical Commission?—Those which have actually so passed are managed in the name of the Ecclesiastical Commissioners.

291. Do they profess to be managed by the Ecclesiastical Commissioners?—Yes, through the Estates Committee.

292. Sir *G. Grey.*] Was not it the object of the Act of 1850 to place the practical management of those estates in the hands of a small, and therefore a more responsible body, instead of leaving it in the hands of the very large body of which the Ecclesiastical Commission is composed?—Exactly so.

293. Reserving the general supervision and control to the larger body, but excluding them from the practical management of the details?—Yes.

294. *Chairman.*] Is there not a provision to that effect in the Act?—There is.

295. Marquis of *Blandford.*] How are the payments from the richer chapters made to the Ecclesiastical Commissioners; in the case of Durham there are certain suspended stalls, are there not?—Yes.

296. How is the value of the stalls computed to which the Ecclesiastical Commissioners are entitled?—The income of the suspended stalls consists of a certain portion of the divisible income of the chapter. If there are six stalls suspended and six remain, one-half of the divisible income will be paid to the Commissioners. If they have two divisions in the year, they will pay half of those two divisions half-yearly to the Bank of England to the credit of the Ecclesiastical Commissioners, and will also send up a statement of accounts showing how those dividends accrue. The Commissioners have an opportunity of looking over the account they send, which is sometimes a very short one, and they also have an opportunity of inspecting the books of the chapter on the spot, and seeing how far those statements and divisions are correctly made out.

297. They have the right of inspecting the accounts of the chapter if they suppose there is any inaccuracy in the statement furnished?—Yes. That has never been questioned at all.

298. Does not your Lordship think that the footing upon which the Commissioners are placed with regard to the richer chapters is an inconvenient one?—The only practical inconvenience I find is the want of a definite control over the expenditure by the chapter of their corporate income, leading occasionally to some slight disputes, such as that which has been already alluded to by an Honourable Member of the Committee.

299. The divisible revenue, to a part of which the Commissioners are entitled, of course depends upon how much is left after the corporate expenditure has been incurred?—Just so.

300. The Commissioners therefore have no properly defined control over the corporate expenditure?—No.

301. Would not it be a great advantage, both to the interests of the common fund and to the Church at large, if a settled amount could be given to each chapter equivalent to the income which Parliament has fixed for them to enjoy, the remainder being vested in the Ecclesiastical Commissioners, and placed under their own entire control?—Supposing it to be desirable to relieve the chapters from the management of their own estates, no doubt that would be a convenient arrangement for the common fund; but I am not prepared to say that I think it is desirable to deprive the chapters of the whole responsibility and care of managing their estates.

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302. The case would hardly arise in the question which I have asked. I was contemplating an arrangement similar to that which you have entered into with the Chapter of York. There the estates are placed under the management of the chapter ultimately; but whatever the surplus profits of the estates may be, it is handed over to the common fund. Would not that be a very desirable arrangement to take effect with regard to those richer chapters which are now liable to that large payment to the Ecclesiastical Commissioners, over which they themselves have no control?—I think so.

303. *Chairman.*] Is not it desirable to prevent the further continuance of the practice of taking fines upon the renewal of leases which now takes place in the chapters?—Very much so, and one way of effecting the prevention of that is the suggestion which was made by the noble Lord in a previous question.

304. Sir *J. Pakington.*] Would not there be this manifest danger under the system suggested by the noble Lord, that the estates would not be made the most of, there being no motive to render them as productive as possible?—As I understood the suggestion of the noble Member of the Committee, there would be just the same motive on the part of the chapters for the good management as exists now; the only difference would be, that in the case proposed they would be in possession of an estate at rackrent, whereas now they are only in possession of a leasehold.

305. Sir *G. Grey.*] Take the case of Durham, for example, what would be the difference, in point of fact, between the relation of the Commissioners to the Chapter of Durham under the circumstances to which you have just adverted, and the present state of things?—Precisely what I have just stated, that under the new arrangement they would be in possession of a real estate of a limited area instead of being in possession of the leasehold interest in a much more extended area; and instead of paying the annual contributions to the common fund for the suspended stalls, they would cease to make any such payment to the Commissioners.

306. Is the Chapter or Durham now in the possession of the whole capitular estate?—The whole.

307. And in the management of the whole capitular estate?—Yes.

308. Do they pay over to the Ecclesiastical Commissioners a fixed sum?—A fixed proportion, so far as concerns the present dean and the canons appointed before 1852; and in the cases of the members of chapters appointed subsequently and to be appointed, the whole surplus beyond the 3,000 *l.* per annum to the dean and 1,000 *l.* to each canon.

309. Are they still at liberty to grant leases upon lives and upon fines?—Yes.

310. *Chairman.*] At York, as I understand your Lordship, the estate will only be sufficient for the reduced number of canonries?—Just so; but, in fact, there has been no reduction at York.

311. I understand your Lordship to say, that supposing such an arrangement should be carried into effect without loss to the Commissioners, in all other chapters it would be a beneficial arrangement?—Quite so.

312. Marquis of *Blandford.*] Would not it be much more satisfactory for the Commissioners, as trustees of the general property of the Church, or at least of property which is to be applied to the purposes of the Church, if the entire of that property were under their own responsible management, rather than that they should be receiving an uncertain surplus income from certain richer chapters?—It certainly would seem undesirable for chapters to retain under their management surplus estates beyond what is necessary to provide their own incomes.

313. Mr. *Ingham.*] Your Lordship is aware that by the Statute of 1851 ecclesiastical corporations are required, in their dealing with lessees, to have due regard to the claims of the lessees arising from the long-continued practice of renewing?—Yes.

314. And by the recent Statute of 1854 the same obligation is also imposed upon the Ecclesiastical Commission?—Yes.

315. Can your Lordship state how, in dealing with lessees, effect is given to that provision?—It is done according to the 14th suggestion of the Report of the Committee of the House of Lords.

316. In answer to the 125th Question you state, "The customary confidence of renewal has been met in the manner recommended by the Committee of the House of Lords on the cases of the rate of fine previously required." Will you explain how the rate of fine previously required is made to operate to the benefit of the tenant in calculating the terms of enfranchisement?—The suggestion is,

that he should be allowed one more renewal upon the old terms; then his interest is computed as upon a full lease.

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317. Supposing a party, when he is coming to deal with the Ecclesiastical Commission, has an average length of lease of seventeen years and a half, the lease being one which is customarily renewed every seven years, is it the fact that the Ecclesiastical Commissioners, in calculating the period of the lease, suppose it to be extended by another period of seven years, so as to make it twenty-four years and a half, and charge against him the expense of what the renewal would be upon the customary terms?—His interest is computed then as if he had renewed.

318. In the language of the Lords' Committee, he is to have the option of another renewal?—Yes, of one renewal subsequent to the date of the Act 14 & 15 Victoria, chapter 104.

319. If he has 17 years remaining of his lease, he has the option of another renewal, and may extend it for an additional period of seven years, upon paying the fine which he would be liable to pay according to the custom of the chapter?—He is not obliged to go through the form of renewal, but his interest is computed as if he had renewed upon those terms; that is, assuming that no renewal has taken place since the date of the Act.

320. Whatever the fine is, it is added to the sum charged for the enfranchisement?—Yes.

321. Without having to go through the form of renewal, his interest is considered to be extended by a period equivalent to the usual period comprised in a renewal?—Yes.

322. Instead of taking it as a bare term, which would give him no consideration for his benefit of renewal, his term is considered to be extended beyond the actual residue of his lease by such a period as would be comprised in a fresh renewal?—Yes.

323. Mr. *Mowbray*.] I understood your Lordship to say that there are certain rules laid down by the Commissioners under which grants are made out of the Maltby Fund?—I doubt whether there are any in print; certain rules are acted on.

324. Do those rules exist in such a shape that they could be produced to the Committee?—I think not.

325. Are they recorded in any minutes made by the Board?—I think they have arisen in correspondence with the bishop.

326. Mr. *Walpole*.] With reference to any applications which are made in Durham for contributions from the Maltby Fund, whatever may have been the rules on which the Commissioners have acted, either in acceding to such applications or in refusing them, they have acted in concurrence with the known opinions and wishes of the Bishop of Durham?—Yes, except only that his Lordship has differed with the Ecclesiastical Commissioners as to the minimum of accommodation required by them.

327. The fund so distributed by them is in fact a fund contributed by the Bishop of Durham, the Commissioners being to be regarded in the light of trustees of the Bishop of Durham for the proper application of that fund?—Yes; in almost every case there is a communication from the Bishop of Durham recommending it.

James Jell Chalk, Esq., called in; and Examined.

J. J. Chalk, Esq.

328. *Chairman*.] YOU are Secretary to the Ecclesiastical Commission?—I am.

329. How long have you held that office?—Since December 1850.

330. Were you in the office of the Ecclesiastical Commission before that time?—I was appointed chief clerk in 1836, immediately after the passing of the Episcopal Act. In the year 1843, I was made assistant secretary, and in 1850 I was appointed secretary.

331. Have you been connected with the Ecclesiastical Commission since the year 1836, without interruption?—Without interruption.

332. Mr. *Walpole*.] Have you seen the whole of the working of the Commission from its commencement?—I have.

333. *Chairman*.] Will you explain generally the mode of working the Commission, both as it existed originally and as it now is?—The Act of 1836 dealt only with episcopal matters. It contemplated the re-arrangement of dioceses and

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the re-arrangement of episcopal incomes, and providing in certain cases episcopal residences. Those were the main objects of the Act of 1836. In 1840 the Cathedral Act was passed; and that embraces a large number of objects, some of which I will endeavour to describe. The Committee are aware that one of the main objects of the Act was to form a common fund for the endowment of poor benefices. That fund is created by the Act, and consists in part of the proceeds of the canonries in certain cathedrals, which by that Act are directed to be suspended upon the next avoidance; these produced in the past year 61,258*l.* It also consists of the proceeds of the separate estates of deaneries and non-residentiary prebends, and of all sinecure rectories in public patronage.

334. Is that fund quite distinct from the fund which is derived from episcopal revenues?—The Act of 1836 created the episcopal fund, which consisted of fixed annual sums to be paid by the bishops of the larger sees, and to be appropriated to the augmentation of the incomes of the smaller sees; it was contemplated that a surplus would eventually arise from that fund, but the surplus was not by the Act appropriated. The Act of 1840 created the common fund, and from 1840 to 1850 the two funds were kept separate; but by the Act of 1850, which also altered the constitution of the Commission, the two funds were fused, and now form one fund.

335. What has been the result of that amalgamation of the two funds?—The result up to this time has been that the common fund has not been improved by the addition of the episcopal fund. For example, in the past year, it will be seen by reference to the accounts that the episcopal revenue has been 23,913*l.*, while the payments to the bishops amounted to 43,952*l.*, being a difference of 20,000*l.*

336. In what way is that deficiency made up?—The whole of the revenues now form one fund, the common fund out of which it is paid.

337. What would have been the case under former arrangements, supposing the episcopal revenues had fallen short?—As the episcopal fund was originally formed, it is probable that there would never have been a material deficiency. The Orders in Council, however, which provide for the augmentation of the incomes of the smaller sees, provide also for paying up to the bishops in subsequent years any sums which they might have been unable to obtain by reason of a deficiency in the fund in any preceding year. But since the fusion of the two funds, and since the modern practice of the Commissioners' controlling the episcopal revenues, the deficiency has arisen in a great measure from the non-renewal of leases.

338. Mr. *Walpole.*] Then it is a deficiency of revenue rather than a deficiency of property?—Clearly so. The property is increasing in value.

339. Sir *G. Grey.*] The temporary deficiency is the result of what will ultimately prove a beneficial arrangement for the common fund?—Yes. A larger surplus will now be derived from those estates than would have been derived under the original Episcopal Act.

340. *Chairman.*] What has been the balance applicable to the original purposes of the Act of 1840, after paying the deficiency in the bishops' incomes?—When the Commissioners had a surplus of the common fund, they granted that surplus to small benefices, as it accrued. The amount of their grants, when in 1844 they determined not to make any more, was between 30,000*l.* and 40,000*l.* a year. In 1844 they were obliged to discontinue making any grants; that obligation being imposed upon them by the arrangement for a loan from Queen Anne's Bounty of 600,000*l.*, for the purpose of enabling the Commissioners to constitute districts under Sir Robert Peel's Act. That arrangement perhaps I had better describe. Sir Robert Peel's Act authorises the Ecclesiastical Commissioners to constitute districts, and requires that they should be endowed with 150*l.* a year each. In order to commence proceedings under that Act, it was desirable that the Ecclesiastical Commissioners should have a fund out of which they could provide for a number of districts; and as all they then possessed was entirely appropriated to small livings, it was arranged that 600,000*l.* of 3 per cent. stock standing in the names of the Governors of Queen Anne's Bounty, which stock the Governors held merely as trustees, having no power of appropriating it, should be transferred to the Commissioners, and that the Commissioners should pay to them 18,000*l.* a year, that being precisely the dividend which they would have received from the stock; so that, as far as Queen Anne's Bounty is concerned, it is an even transaction. The Commissioners were then to constitute, say, 200 districts,

and

and to endow them with 150 *l.* a year each; that would take 30,000 *l.* a year. By doing that, they became liable to a perpetual annuity of 30,000 *l.*, and also of 18,000 *l.* to Queen Anne's Bounty. The way in which that annuity was to be met at first was to be by the sale from year to year of so much of the capital stock as was necessary to provide that sum; it being calculated that by the time the stock would be exhausted the income of the Commissioners from estates which would in the meantime have become vested in them under the Cathedral Act would be so much increased as to enable them to continue that perpetual annuity. That arrangement has, for the last 12 years, entirely deprived the Commissioners of the power of making any augmentations, except those in respect of local claims. But I am happy to say that in this year the accounts will very nearly balance; and in the Report which was laid before Parliament last night, it is stated that the Commissioners hope that at the end of this year there will be a small balance available for augmentations; that balance of course increasing gradually hereafter.

341. How much of the 600,000 *l.* 3 per cent. stock has been sold?—I think I may say that that is nearly exhausted; it has not been limited strictly to the objects of Sir Robert Peel's Act, but has been applied to the general purposes of the common fund. It is not by the Act specifically appropriated to the endowment of new districts; if they could have provided the sum *aliunde* they might have done so; and it has been used for the purposes of the common fund generally.

342. Mr. *Walpole.*] The result being that you have formed 200 districts, with endowments of 150 *l.* a year each?—Just so.

343. *Chairman.*] Besides creating those districts under Sir Robert Peel's Act, what augmentations have been made in the case of populous parishes?—The Commissioners' general grants, in the shape of annual money payments, amount to 68,827 *l.*; that includes the districts formed under Sir Robert Peel's Act. They have also made gross payments to the extent of 75,000 *l.*, for the purpose of providing parsonage-houses, and occasionally for purchasing small pieces of land adjacent to a parsonage-house, for glebe; that, taking it at 3½ per cent., will represent 2,500 *l.*; so that it may be said the Commissioners have made general grants to the extent of 71,327 *l.* a year. In addition to that, there are local claim grants. The Commissioners' annual money payments in respect of local claim grants amount to 8,913 *l.*; the tithe rentcharges which have been actually annexed to benefices amount to 1,646 *l.*; land to the extent of 278 A. 1 R. 3 P., of the annual value of 800 *l.*, has also been annexed to benefices; the gross payments amount to 25,000 *l.*, representing, at 3½ per cent., 833 *l.* per annum; so that the total sum which has been granted in respect of local claims, is 12,192 *l.* per annum.

Vide Appendix, page 290.

344. Can you separate those sums which are for the augmentation of benefices from those which are granted under Sir Robert Peel's Act for populous districts?—I will have it done. In addition to what I have already stated, the Commissioners have distributed the following benefactions: The Maltby Fund, the Bishop of Durham's benefaction, has amounted to something over 21,000 *l.*, out of which grants to the amount of 16,170 *l.*, representing, at 3½ per cent., 537 *l.* a year, have been voted for parsonage-houses in the diocese of Durham. The Gally Knight Fund consisted of 37,500 *l.*, which has been divided into 150 grants, and appropriated to erecting parsonage-houses in any part of England except Durham; this represents, at 3½ per cent., 1,250 *l.* per annum. From other sources the Commissioners have received benefactions consisting of land of the annual value of 3,000 *l.*, and gross payments of 130,600 *l.*, representing, at 3½ per cent., 4,350 *l.* per annum; making the total benefactions 9,137 *l.* per annum. The amount already appropriated towards making better provision for the cure of souls, by or through the instrumentality of the Commissioners, may therefore be stated to be 92,656 *l.* per annum. This annual sum of 92,656 *l.*, if converted into a capital sum, at 3½ per cent., of course represents an amount of 2,779,680 *l.*

Vide Appendix, page 291.

345. Have not the Commissioners made certain rules in respect to augmentations, according to the population of the benefices to which those augmentations were to apply?—Yes. The Commissioners laid down certain rules and published them, showing what were the sort of grants which they were prepared to make. Unfortunately the rules have been very much misconstrued, and they have been taken as promises on the part of the Commissioners to augment all the livings coming within the rules.

346. Will you state what those rules were?—The date is the 27th of February 1844. "The Ecclesiastical Commissioners for England having further considered how provision may best be made for the cure of souls out of the limited amount

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of moneys at present at their disposal, in conformity with the intent and meaning of the Acts 3d & 4th Victoria, chapter 113, and 4th & 5th Victoria, chapter 39, have resolved to recommend to Her Majesty in Council that grants be made either in augmentation of the incomes of, or towards providing fit houses of residence for the incumbents of certain benefices and churches with cure of souls; that is to say, being either parish churches, or churches or chapels with districts legally belonging or assigned thereto, in certain classes, subject to such limitations as are hereinafter mentioned, or as may from time to time be determined on; the Commissioners reserving to themselves a right to decline recommending a grant in any case in which, from special circumstances, they shall be of opinion that it is not expedient. That the first class consists of grants in augmentation of income made unconditionally to benefices or churches with cure of souls as aforesaid, being in public patronage, namely, in the patronage of Her Majesty, either in right of the Crown or of the Duchy of Lancaster, of the Duke of Cornwall, of any archbishop or bishop, of any dean and chapter, dean, archdeacon, prebendary, or other dignitary or officer in any cathedral or collegiate church, or of any rector, vicar, or perpetual curate as such; and that this class of grants be for the present limited to raising the average annual net incomes to the following amounts respectively, according to the scale of populations prefixed thereto, namely, population amounting to 2,000, income 150*l.*; population amounting to 1,000, income 120*l.*; population amounting to 500, income 100*l.*; population below 500, income 80*l.*" That was the scale of population which was adopted. "That the second class consist of grants as well in augmentation of income as towards providing fit houses of residence, or sites for such houses, made to benefices or churches with cure of souls as aforesaid, whether in public patronage as aforesaid or in private patronage, namely, any patronage whatsoever other than as aforesaid, upon condition of such grants being met by benefactions from other sources; and that this class of grants be for the present limited to cases where the income is below 200*l.* That the third class consists of grants either in augmentation of income or to provide fit houses of residence made to benefices or churches with cure of souls as aforesaid, in consideration of their being situate within the places in which any tithes vested in the Commissioners, or any tithes in lieu of which lands or other hereditaments vested in them were allotted or assigned, arise, or have heretofore arisen, such grants not, in any case, exceeding the actual value of the tithes, lands, or other hereditaments in respect of which the same shall be made. That the fourth class consists of grants to benefices and churches by way of compensation to the incumbents for loss of fees appropriated to district churches augmented by the Commissioners."

Vide Appendix, page 291.

347. Can you furnish a return of the augmentations which have been made under those rules, stating the population of the benefices to which the augmentations have been made?—I can prepare such a return.

348. Those rules appear to contemplate only benefices or parishes which are in public patronage, that is, of the Crown, the bishops, or other ecclesiastical bodies?—The first class is confined to livings in public patronage, but the second class your Lordship will see admits of benefices in private patronage, but it requires that the grants should be met by benefactions. The amount of benefaction which the Commissioners required generally was, that it should be in the proportion of three to two; that is to say, for every 2*l.* the Commissioners gave, the benefactor should give 3*l.*

349. Have many augmentations been made on those conditions?—Yes, there have been a great many. I will state the number in the return you have just requested me to make. Much misapprehension appears to have been entertained with respect to local claims. The Commissioners are required by the Act, before carrying the proceeds of tithe, or land allotted in lieu of tithe, to the common fund, to consider the wants and circumstances of the places in which such tithes arise. Now, the Commissioners have done that in every case where it has been found expedient to do it as soon as the tithes came into their possession; but that applies solely and exclusively to tithes vested in the Commissioners; it has no reference whatever to tithes belonging to bishops or to chapters; over which the Commissioners have no control.

350. Mr. *Ingham.*] Is the clause which you have read supposed to exhaust all the cases in which the Commissioners are at liberty to apply part of the common fund in aid of parishes where there is an inadequate provision for the cure of souls?—Those rules were laid down merely for the guidance of the public as to what

what sort of grants the Commissioners would make, but they have been precluded from carrying it out to the full extent from the want of funds. If they had had funds I have no doubt that every living would have been augmented according to that scale.

351. Is that clause supposed to limit the discretion of the Commissioners in granting augmentations. In the case of a more populous parish, from which there was a larger amount of income accruing to the fund, would they consider themselves at liberty to raise the income beyond the limit of 150 *l.* a year?—I think the Commissioners have, as a rule, generally taken 2,000 as the maximum, because they think that where a population exceeds 2,000, it is rather a case in which there should be an additional church, and therefore they would not consider any parish as containing more than 2,000 persons.

352. If a parish were so situated, and was able to furnish a large amount of income to the ecclesiastical funds, they would probably encourage the division of the parish and the erection of an additional church?—Clearly so. I will state a case which I mentioned to another Committee three or four days ago, which is that of the parish of Henllan, in Denbighshire. The Commissioners came into possession of tithe of about 1,300 *l.* a year; it was a sinecure rectory, held by the late Dean of St. Asaph. The parish is 18 miles long, and there is one church in the middle of it. The incumbent of that church received a payment out of the sinecure rectory of 100 *l.* per annum. The Commissioners have appropriated to the mother church a gross amount of tithe rentcharge amounting to 350 *l.* per annum. They have constituted a district, under Sir Robert Peel's Act, at one end of the parish, which they have endowed with 250 *l.* per annum, called Trefnant, and some ladies have built a beautiful church there, and are building a parsonage and schools, and at the other end of the parish the Commissioners have constituted another district under Sir Robert Peel's Act, and endowed it with 250 *l.* gross rentcharge, and it is expected that a church will soon be built there. A part of the parish adjoins the town of Denbigh, and some of the population of the town of Denbigh is settled in the parish. That portion has been annexed to the rectory of Denbigh, and the Commissioners have annexed to the rectory of Denbigh 65 *l.* of gross rentcharge; so that out of a rentcharge of 1,300 *l.* a year they have appropriated to the wants and circumstances of the parish 915 *l.*

353. Are you aware that in the case of South Shields there was an application to Parliament last year, and also to the chapter, for some augmentation in a case where the population is nearly 30,000, there having been some large receipts recently from the sale of land for docks, and such works?—Yes.

354. If the fund were adequate, that case, although the population exceeds 2,000, is a case which would probably rerceive the consideration of the Commissioners?—Yes; but as to the property it belongs to the Dean and Chapter of Durham, and not to the Commissioners; though if it did, it does not consist of tithe, and therefore no special claim upon it would be created by the Act.

355. Sir *G. Grey.*] Will you be good enough to refer to section 67 of the 3d & 4th Victoria, c. 113; is that the enactment to which you have just now referred, as requiring the Commissioners to give due consideration to the wants and circumstances of the places in which tithes have arisen which come into their hands?—It is.

356. Is that the only obligation which is imposed upon the Commissioners of considering local claims?—It is the only obligation. The words of the section with regard to the appropriation of the funds are very large. The section first provides that they shall be paid to a common fund, "and out of such fund, or if in any case it be deemed more expedient, by means of an actual conveyance and assignment of such lands, tithes, or other hereditaments, or of a portion thereof, additional provision shall be made, by the authority hereinafter provided, for the cure of souls in parishes where such assistance is most required, in such manner as shall by the like authority be deemed most conducive to the efficiency of the Established Church." Then it goes on, "Provided always that in making any such additional provision out of any tithes, or any lands or other hereditaments allotted or assigned in lieu of tithes, so vested or to be vested in the said Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise, or have heretofore arisen."

357. Subject to the proviso you have just read, at the end of that clause are not the Commissioners bound, in the administration of the funds coming into their

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hands, to expend them for the cure of souls in parishes where spiritual assistance is most required?—Yes.

358. With respect to the episcopal fund, you stated that there was a deficiency at present; that the payments exceeded the receipts?—Yes.

359. You stated that that was a temporary deficiency only, but you did not advert to one cause of its being a temporary deficiency, namely, that some of the largest sees are not yet subject to the provisions of the Act of 1836; will you name those sees which, owing to there having been no avoidance of them since the Act of 1836 was passed, have not yet become subject to the provisions of that Act, and in which, consequently, the whole income is still received by the bishop, no portion of it being paid over to the Ecclesiastical Commissioners?—The sees are London, Winchester, Gloucester and Bristol, Exeter, and Bangor: London will yield a surplus; I am not sure that Gloucester and Bristol will; at all events it will not be large, if there be any; I do not think Bangor will yield any surplus; Exeter will require augmentation; Winchester will yield a surplus.

360. Sir *J. Pakington.*] Winchester and London, I presume, will yield a large surplus?—I think London will yield about 7,000 *l.* or 8,000 *l.* a year.

361. Sir *G. Grey.*] Immediately?—Yes, assuming that the present system of renewing leases were to go on; but, of course, if that system is stopped for a time, there must be a falling off in the income.

362. Taking those sees into account, do not you anticipate, as the ultimate effect of the general arrangement, that a very large surplus will arise from the episcopal fund applicable to the common fund?—No doubt there will be eventually.

363. Therefore the fusion of the two funds will ultimately be very beneficial to the common fund applicable to the endowment of small livings?—Without doubt.

364. *Chairman.*] What has been done with respect to the See of Canterbury?—The Archbishop of Canterbury furnishes an account half-yearly of his receipts and payments, and pays over the surplus above 15,000*l.* a year to the Commissioners.

365. The archbishop and his agents manage the property themselves without any interference on the part of the Ecclesiastical Commission?—They do, excepting this, that in granting leases the fines are always submitted to the Commissioners for approval.

366. Are there any leases for lives now granted, or which can be granted by the Archbishop of Canterbury?—There have not been any leases for lives renewed under the See of Canterbury since the present archbishop has held it.

367. Would it be lawful for him to do so?—It would not be illegal, but I think it would not be done; I think the Ecclesiastical Commissioners would feel that it was not desirable.

368. Sir *J. Graham.*] The Ecclesiastical Commission has a veto upon it, has not it?—If such a case were proposed, I think they would suggest that it was not expedient to renew the lease.

369. Supposing the archbishop persevered?—It is a very nice question; but I think that there is not the slightest probability of its arising.

370. In point of law how does the question stand?—I think that the archbishop is precluded, but I should not like to say decidedly. The quession arises on the construction of an Order in Council framed under the 13th & 14th Victoria, chapter 94, section 17, "Fixed incomes may be secured to archbishops and bishops appointed after 1st January 1848."

371. Sir *G. Grey.*] Does that clause authorise an Order in Council being passed which shall restrain the archbishop or bishop from granting such leases?—Practically it does. The course which the Commissioners took in the Canterbury leases was a consequence of this clause; it is under this clause that the Order in Council was framed.

372. Have you the Order in Council with you?—I have. The Order in Council is dated the 25th of August 1851; after providing that the archbishop shall render a half-yearly account, it goes on, "And we further recommend and propose that every such archbishop and bishop as aforesaid shall in every case in which application shall be made to him for the renewal of any lease of any property or estate belonging to his see, when the amount of the fine to be paid for the renewal of such lease shall amount to or exceed 100*l.*, submit for our approval a statement of such application, together with the amount of the fine which he shall propose to take in respect of such renewal, and also an explanation of the principle upon which

which such fine shall have been calculated; and that no such renewal of any such lease shall be effected by such archbishop or bishop until the amount of such fine shall have been approved by us." Then there is a more recent Order in Council, which merely does away with the limitation of 100*l.*

373. That Order in Council is founded upon the 17th section of the 13th & 14th of Victoria, chapter 94?—Yes; this Order in Council prescribes the mode in which the Commission regulates the incomes of archbishops and bishops.

374. Mr. *Walpole.*] What statute is recited in the commencement of it?—It recites the 13th & 14th of Victoria, chapter 94: "We, the Ecclesiastical Commissioners for England, in pursuance of an Act passed in the session of Parliament, held in the 13th and 14th years of your Majesty's reign, intituled, 'An Act to amend the Acts relating to the Ecclesiastical Commissioners for England,' have prepared, and now humbly lay before your Majesty in Council the following scheme for regulating the incomes of the several archbishops and bishops of England and Wales."

375. Sir *G. Grey.*] Do not the Commissioners assume that they have the power under that clause of making their consent essential to the granting of a lease by an archbishop or bishop, so far at least as relates to the amount of fine which may be reserved upon that lease?—Yes; they assume that they have that power.

376. Has that power ever been disputed?—No.

377. Why, then, should you express any doubt as to the power existing; have not the Commissioners practically control over the archbishops or bishops with respect to the granting of those leases?—I have no doubt the Commissioners have a right to do what they do. The question asked me was, whether the Commissioners had a veto, and if the archbishop went on in spite of the veto, what would be the result? That question I am not prepared to answer positively. My impression is that the Commissioners possess a legal veto.

378. Sir *J. Graham.*] Did not the Commissioners take the advice of their law advisers in respect to that Order in Council before it was passed?—No, they did not.

379. Sir *G. Grey.*] In fact, there has been an acquiescence in that Order in Council?—Yes.

380. Mr. *Mowbray.*] By whom are the Orders in Council drawn up?—The schemes are prepared by me and approved by the Commissioners. When the schemes are sent to the Council Office to be submitted to Her Majesty they are referred to the law officers of the Crown.

381. Sir *J. Graham.*] Then the Order in Council has been reviewed by the law officers of the Crown for the time being?—Yes.

382. Sir *G. Grey.*] Do you prepare the schemes from instructions received from the Commissioners?—Yes.

383. Your duty is confined to carrying into legal effect the instructions of the Commissioners by preparing the draft of a scheme to be afterwards submitted to the law officers of the Crown?—Yes; but the scheme is not submitted to the law officers by the Commissioners, but by the Lords of the Council.

384. Marquis of *Blandford.*] Cases have been mentioned in which estates have been transferred to the Commissioners in lieu of fixed payments to be made by them, both to bishops and to chapters. Under what powers have the Commissioners exercised that authority of taking estates and giving money payments?—Under a clause in the Act of the 3d & 4th Victoria, chapter 113.

385. Will you have the goodness to read the portion of the clause which gives them that power?—It is clause 68, "Special arrangements with consent of bishop or chapter;" that gives the Commissioners power to substitute, in any case, lands, tithes, or other hereditaments for a money payment, and *vice versâ*.

386. That has been amended by a subsequent Act, has not it?—It is carried out more fully, but the principle of the enactment is the same.

387. Can you state to the Committee in how many cases the Ecclesiastical Commissioners have acted upon the power given to them by that clause?—In the cases of the Chapters of York, Carlisle, Peterborough, Gloucester, and Chester, and the See of Bath and Wells.

388. Are there any cases also in which estates have been partially transferred to the Commissioners in lieu of a money payment?—Yes, in the cases of bishops.

389. Are there any in the cases of chapters?—I am not quite sure, but I think not.

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390. Can you give the Committee a return of this nature, a return of the cases in which the Ecclesiastical Commissioners have agreed to make a money payment to any bishop or chapter in commutation of the estates of such ecclesiastical corporation transferred to them, stating the name of the corporation and the amount agreed on to be paid by the Commissioners to each ecclesiastical corporation?—I can.

391. The Commissioners are also enabled, are they not, to regulate the deans and canons?—In some cases they are.

392. What is the income which is fixed by the Act of Parliament as the income of the dean?—There is no fixed income for all deans. The Cathedral Act provides that where the income of a dean shall exceed 2,000 *l.*, and of a canon 1,000 *l.*, the Commissioners shall, as vacancies occur, reduce them to those respective amounts; and where the income of a dean is less than 1,000 *l.*, or the income of a canon less than 500 *l.*, they shall raise them to those amounts.

393. Does it preclude a dean or a canon in the last-mentioned class from having respectively more than 500 *l.* or 1,000 *l.* a year?—Yes; the Commissioners only raise them to those amounts. Where they range between the maximum and the minimum the Commissioners have no power to interfere.

394. Are there cases in which the Commissioners have acted upon the power given to them by that section, and have regulated the income of the deans and canons accordingly?—Yes, there are.

395. Can you make a return of this nature, a return of the cases in which the Commissioners have arranged to secure a fixed income to any members of a chapter without the transfer of the estates to the Commissioners having been agreed on, stating the name of each ecclesiastical corporation, and the amounts of income agreed on?—Yes.

396. And a similar return with respect to agreements entered into with particular members of chapters?—There are no members of chapters with whom we have any separate agreements.

397. Are there no cases in which an agreement has been entered into with the Ecclesiastical Commissioners for securing a fixed income to any member of a chapter, irrespective of the general body?—In the cases of Wells and Hereford the schemes apply only to the deans, in all the other cases they affect every member of the chapter as vacancies occur.

398. *Chairman.*] Are there any exceptions to the provisions with respect to the income of deans?—The Committee are aware that there are two classes of cathedrals, viz.: cathedrals on the old foundation, and cathedrals on the new foundation. In cathedrals on the new foundation the corporate revenues are divided thus, two shares to the dean, and one share to each canon; but in cathedrals on the old foundation the dean and canons share equally. In all cathedrals on the old foundation the deans had separate estates, which augmented their incomes; but by the Cathedral Act all those separate estates are transferred to the Commissioners, and therefore it frequently happens, that although the income of the canon is not below 500 *l.*, the income of the dean is below 1,000 *l.*, and in such a case the Commissioners have to regulate the income of the dean, irrespective of the other members of the chapter.

399. Sir *J. Graham.*] On those old foundations have all the deaneries lapsed since the passing of the Act?—No, they have not all lapsed; the Deanery of York and the Deanery of Lichfield have not.

400. Are they in the enjoyment of separate estates?—Yes. The Dean of York has commuted his. He has transferred them to the Commissioners by agreement, and receives an annuity. So have the Deans of Chichester and Exeter.

401. Is the Dean of Lichfield the only dean on the old foundation with a separate estate?—The Dean of St. David's and the Dean of Bangor, I think, are the only others.

402. Are those estates large?—I do not know what they are. We do not know till they come to us what the estates consist of.

403. Upon the next avoidance, those separate estates will come under the control of the Ecclesiastical Commissioners, and be available for the common fund?—They will be absolutely vested in the Ecclesiastical Commissioners, but the Dean of Lichfield's income will have to be augmented. The income of a canonry at Lichfield is scarcely 500 *l.* a year. The dean, of course, would have the same, and the Commissioners would have to augment his income to 1,000 *l.*

404. The difference between 500 *l.* a year and the value of the separate estate, when

when in favour of the separate estate, would fall into the common fund?—Yes; they do not depend on each other; the estate becomes absolutely vested in the Commissioners, and is carried to the common fund, and the income of the dean is augmented, without reference to the value of the estate.

405. You have stated to the Committee what is the arrangement which exists with respect to the Archbishop of Canterbury; his appointment took place subsequently to the Act which you quoted; the Archbishop of York was appointed before the passing of that Act, was not he?—The Act empowers the Commissioners to enter into arrangements, and they have entered into arrangements with the Archbishop of York to take a fixed income; and he accounts half-yearly, as the Archbishop of Canterbury does.

406. The Archbishop of Canterbury comes under the provisions of the Act by his appointment being subsequent to the passing of it; the Archbishop of York does not come under its provisions, but has voluntarily brought himself within its scope?—Yes.

407. *Chairman.*] Does the Archbishop of York receive or pay?—The income of the See of York is, I think, very nearly the income allotted to the Archbishop; it fluctuates a little, but there is not a great deal of difference.

408. Lord *R. Grosvenor.*] With respect to local claims, the Commission has considerable estates in land, has it not?—It has.

409. In the parishes in which those estates are situated, I presume it happens sometimes that there is a new church or a new parsonage-house wanted, and application is made to the landowners in that parish; have you ever, in your quality of landowners in such parishes, received an application of that nature?—I am not sure whether the Commissioners have received any for a parsonage-house; they have for a church, and they have for schools frequently.

410. What has been their mode of action in those cases?—The Commissioners subscribe; they first inquire what is the acreage of the parish, how it is held, and how other landholders have contributed, and they then determine what they will contribute.

411. *Chairman.*] Independently of their attendance on the Church Estates Committee and the Church Estates Commission, do the members of those bodies attend to the general business of the Board?—Of the general meetings of the Board, from the commencement of 1851 to the end of 1855, the total number was 93; of these Mr. Goulburn attended 88, Lord Chichester attended 84, and Mr. Lefevre attended 56.

412. What is the next number of attendances of any Ecclesiastical Commissioner?—The Bishop of London attended 61 meetings; the Archbishop of Canterbury, 60.

413. The attendance of the other bishops does not appear to have been frequent?—The Bishop of Oxford attended 34 times; the Archbishop of York, 28; the Bishop of St. Asaph, 27; the Bishop of Salisbury, 27.

414. Mr. *Walpole.*] The attendance of laymen on the Commission has not been so frequent, has it?—The Earl of Harrowby has attended 25 times; Mr. Cardwell, 17; Sir James Graham, 10; Mr. Hobhouse, 9; the Chancellor of the Exchequer, 2; the First Lord of the Treasury, 1; and Mr. Nicholl, 1. The Judges have never attended, except in one instance.

415. Marquis of *Blandford.*] Is it your opinion that difficulties would ensue if an immediate arrangement, similar to that entered into with the Chapter of York, were entered into with all the chapters?—I think it would be inexpedient to do it.

416. On what ground?—I think, without a very great extension of the staff of the Commission, it would be impossible to do it. I do not think it could be carried out so well by being all done at one time; and it would, moreover, involve a very great temporary annual loss.

417. If the Commissioners could choose their own time of taking up the estates of the chapters as they found it convenient, either by funds being in their hands or other causes, and if they had a more extended power placed in their hands to enable them to enter into such arrangements with the chapters when they might think it expedient to do so, do you think that would be a convenient arrangement?—If it were left open to the Commissioners to select the time, I do not see any harm in it. From what I see of the views of the chapters, I think they would be constantly applying. It is a principle which is now generally admitted, and one chapter or the other will always be coming gradually into it.

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418. Do you think the richer chapters would make applications to the Commissioners?—I think that will necessarily arise in this way. Take, for example, the Chapter of Durham. The Chapter of Durham is reduced from a dean and twelve canons to a dean and six canons, and the income, which was very large, is in future to be to the dean 3,000 *l.*, and to each canon 1,000 *l.*; and this is to be arranged by all newly appointed canons furnishing to the Commissioners an annual account of their receipts from the chapter revenues, and paying over to them the surplus above 1,000 *l.*; consequently the time will come when the dean and the six canons will be entitled to merely their 3,000 *l.* and 1,000 *l.* respectively, and they will have no interest in managing the chapter estates. It will be manifest that it would not then be expedient to leave in the hands of such a body so large a property as that of the Chapter of Durham for them to manage, without having any interest in it.

419. Under the present state of the law, could the Commissioners compel a chapter to give up their property so as to enter into arrangements similar to those which have been already entered into?—No.

420. In order to carry out your suggestion some compulsory power would have to be given to the Commissioners?—I think the chapter would be very glad to get rid of the responsibility of managing so large a property in which they have no interest.

421. Still, I understand you to say, that in the present state of the arrangements with respect to that property, it is only their incomes which are limited; they may apply as much as they like to cathedral purposes; so that they would still have an interest in applying sums to cathedral purposes, which would not thereby come into the common fund?—That is so, certainly.

422. Sir *J. Graham.*] Has not the Commission an interest, as trustees of the common fund, with reference to the application of the general revenues of the chapter?—I think, as participators in the chapter revenues, they have a clear right, and that by a Bill in Chancery they could obtain an account. At present they have no control.

423. Without proceeding to the extreme legal remedy, has not the Commission, from time to time, remonstrated against certain chapter expenditures, not in the case of Durham only, but in the case of other chapters?—It has done so.

424. Has not it come to an arrangement with the Chapter of Westminster?—In the case of the Chapter of Westminster there is an arrangement. It is understood now that all payments shall be limited to certain classes. The accounts of the Chapter of Westminster were inspected on behalf of the Commissioners, and seemed rather complicated and difficult to understand, and it was suggested to the chapter that there should be a remodelling of the accounts. They then furnished the Commissioners with the form of account in which they proposed to keep their books for the future, and of the account which they proposed to give every year to the Commissioners. That was so clear and distinct, and satisfactory, that the Commissioners at once accepted it.

425. Has a copy of that been communicated to the other chapters in which the Commissioners, as trustees of the common fund, have an interest?—A circular letter was sent by the direction of the Commissioners to every chapter, but it has not resulted in any other chapter adopting that form of accounts.

426. From time to time exception has been taken to certain expenditure in different chapters?—Yes.

427. What has been the result of the remonstrance of the Commissioners?—In some cases the chapters have discontinued that sort of payment.

428. And in other cases have they persevered?—In others they have presevered.

429. The extreme power of the Commission in the case of perseverance in resistance has not yet been ascertained?—That is so.

430. But the Commission has been advised that, as trustees, they have such an interest as would be sustained in equity?—They have.

431. Marquis of *Blandford.*] Do not you think that it is desirable, both for the interests of the chapter as well as the Commissioners themselves, that an absolute division should take place between them and the chapter of the property to which each is respectively entitled?—I think it is. In the case of the chapter of Peterborough, the chapter consisted of a dean and six canons; it was to be reduced to four canons. The Commissioners, therefore, were entitled to the share of two canons. When the commutation was effected with the Dean and Chapter

Chapter of Peterborough, an arrangement was made so as to provide only the shares of the dean and the four canons, and we shall in future have no account from the chapter of Peterborough. *J. J. Chalk*, Esq. 4 March 1856.

432. If the Commissioners had the power of taking up those arrangements, if I may so express it, when their funds permitted them, and when it was convenient for them to do so, do not you think a satisfactory arrangement between them and the chapters would be more likely to be soon concluded?—I think that such a power might be beneficial in some cases.

433. Sir *J. Graham.*] Without any compulsory power, by force of circumstances, you contemplate that the permission given will lead, before the lapse of much time, to an arrangement between the chapters and the Commissioners?—I think so.

434. And of course, being voluntary, and not enforced by legislation, you think it will be more easily carried out?—Yes.

Veneris, 7° die Martii, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir George Grey.	Mr. Evelyn Denison.
Sir J. Pakington.	Sir William Heathcote.
Marquis of Blandford.	Mr. J. A. Smith.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. George Butt.
Mr. Walpole.	Mr. Mowbray.
Mr. Ingham.	

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

James Jell Chalk, Esq.; further Examined.

435. *Chairman.*] HAVE you any further statement to make upon the matter on which you were previously examined?—I was describing the mode in which the Commissioners had dealt with local claims. Your Lordship may remember that I instanced the case of the parish of Henllan, in which the Commissioners had appropriated a considerable amount of tithes to the wants of the district. I am able to show, if the Committee will allow me, the mode in which the Commissioners set out the tithe on that occasion. It is a very long parish, as I stated; the parish is 18 miles long, and the Commissioners constituted a district at each end of it, which districts are represented by these red lines (*pointing to a plan*); the centre was left to the Mother Church. Tithes were allotted to each district as shown by these colours. The blue was allotted to this district; the pink was allotted to the Mother Church, and the other end wholly allotted to that district; so that the Committee will perceive that each clergyman had, with very trifling exceptions, the whole of his rentcharge arising within his own district. *J. J. Chalk*, Esq. 7 March 1856.

436. What was the total amount of rentcharge?—The total amount of rentcharge which the Commissioners possessed, was about 1,300 *l.* a year, and the amount which they appropriated to the wants of the district was 915*l.*

437. The remainder went to the common fund?—It did.

438. Are you able to state the total amount of tithe rentcharge which belongs to the sees, and to the capitular bodies?—I am not.

439. Is there any account of that kind which you could procure for the Committee?—We have no special information on the subject. If I may be permitted, I will now draw the attention of the Committee to two or three other cases in which the Commissioners have appropriated tithes to the local claims. In the parishes of Darowen and Llanbrynmair, in Wales, the Commissioners came into possession of the sinecure rectories of those parishes, Darowen amounting to 155*l.* a year, and Llanbrynmair to 200 *l.*, making a total of 355*l.* The Commissioners in the first place proposed to the vicars of Darowen and Llanbrynmair to have the rectorial

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and vicarial rentcharges consolidated and reapportioned, so that each might possess the whole of the rentcharge arising in a given portion of the parish, and there should not be two tithe-owners over the whole of each parish. That reduces the cost of collection, and makes it very much more convenient for both parties. The Commissioners then appropriated to the vicarage of Darowen 40*l.* a year, which, with the vicar's previous income of 183*l.*, made a gross endowment of 223*l.* a year. They appropriated to the vicarage of Llanbrynmair 99*l.*, making, with the vicar's previous endowment, 314*l.* They then had left 215*l.*, and with that they endowed a district under Sir Robert Peel's Act, comprising portions of the parishes of Darowen and Llanbrynmair, and also portions of two adjoining parishes; so that in that instance the whole of the tithes which the Commissioners became possessed of were appropriated to the wants of the district.

440. Is there a considerable population in those parishes?—They are in the Welsh mountains; the populations are not great, but the extent is considerable; they are in a very out of the way place; and when this district was formed there was no church conveniently accessible. Then I have another case; the case of Ufton, in Warwickshire. There the Commissioners possessed a tithe rentcharge of 380*l.* The population of the parish was only 195, and the Commissioners thought, that before they proceeded to endow the living they should ascertain whether some arrangement might not be made under which a larger amount of population might properly be put under the charge of the incumbent. It so happened that in the adjoining parish there was a district very far from its parish church, and where there was great spiritual destitution; a district containing about 120 persons, the district of Bascote Heath. The Commissioners immediately made a suggestion to the Bishop of Worcester, who at once acted upon it, that this district of Bascote Heath should be united to the parish of Ufton, giving an aggregate population of 315. They then considered the wants and circumstances of the parish of Ufton, and they found that the income of the perpetual curate consisted of a charge on the prebendal property of 26*l.*; a payment from Queen Anne's Bounty of 18*l.*, and the half of a field, six or seven miles off, yielding 7*l.*, making a total income of 51*l.* They also found that the chancel of the church was in a very dilapidated state; the churchyard was let with the prebendal glebe, and was occupied by a farmer. The Commissioners then having increased the population of the parish by the addition of Bascote Heath, annexed to the living a rentcharge of 185*l.* and 16 acres of land, worth, perhaps, about 22*l.*, making an income of 207*l.*, and they proposed that the distant field, which was inconvenient for the use of the incumbent, should be sold, and that the proceeds, together with some 600*l.*, representing the payment from Queen Anne's Bounty, should be appropriated to the erection of a parsonage-house; and the Commissioners undertook to find such further sum as might be necessary to build a proper house. They also put the chancel into a complete state of repair, including an entirely new roof. They added to the churchyard a small piece of land which had been the site of a hovel or something of that sort, and was in a very disgraceful state; that was added to the churchyard, and the whole put into the possession of the incumbent. So that the Committee will see that the whole of the circumstances connected with the parish were carefully looked into and dealt with.

441. Can you state the population of that parish?—The population now is 315.

442. Have you any other cases?—I am now going to call attention to the mode in which the Commissioners deal with chancels. The Commissioners becoming possessed of great tithes, are also liable to the repair of chancels to a very considerable extent, and we find that these chancels, when they come to us, are generally in a very dilapidated state. I will take one case, the case of Cropwell Bishop. The liability to repair that chancel attached to two prebends in Southwell Collegiate Church, Oxton Prima and Oxton Secunda. The prebendary of Oxton Prima used to repair one half, and the prebendary of Oxton Secunda used to repair the other. They were seldom done to the same extent, or at the same time, and, consequently, the church was in a very bad state. The Commissioners became possessed of one only of these prebends, and learning that the chancel was in a bad state, they sent their architect, who made a very careful survey of the church, and he reported that a new roof would be required, and he estimated that the total outlay (including a clerk of the works, which he said was exceedingly necessary on this occasion, because the place was in a very bad state), to put it in thorough repair, would be 296*l.* A letter was then written

to

to the prebendary of the other prebend, inclosing him a copy of this report, and offering to pay one moiety of the cost if he would pay the other. At first he strongly objected to it, as he thought the estimate excessive; that so much repair was not necessary, and he suggested that a builder whom he recommended should be employed to put the chancel into decent repair. However, upon being further urged, and after considerable correspondence, he consented to bear one half; the chancel was repaired, and the total cost, including architect's expenses, and every item, was 306*l.*, being just 10*l.* more than the original estimate. When we wrote to the prebendary for his moiety of the cost, he answered by sending the money immediately, and expressing his entire satisfaction at the mode in which the work had been done. I have shown in two or three cases the principle upon which the Commissioners have fully dealt with local claims, and I shall put in a return of all the cases. I will now show other cases of local claims, where the Commissioners have, for reasons which I will state, been able to make only preliminary arrangements. In the case of Farndon and Balderton, there were two parishes lying some 10 miles apart, with another parish intervening. The benefices had been united and held as one benefice; the population of one was 700, and of the other 1,100, making an aggregate population of 1,800. The united income was only 216*l.* The Commissioners have come into possession of a considerable estate in both parishes consisting of lands allotted in lieu of tithe, on which a local claim will hereafter attach; but those estates are at present let on lease, and the only available sum for the augmentation of this benefice is the sum of 20*l.*, being the proportion of reserved rent in Farndon, 9*l.*, and in Balderton, 11*l.* An application was made to the Commissioners to augment these livings, and the answer was, that as the property was on lease they could not augment them at present. It was then proposed that the Commissioners should give the 20*l.*, which they received in the shape of reserved rent, as an augmentation, and the Commissioners agreed to do that, provided the two benefices were disunited; but that offer was not accepted by the incumbent, because the income was not sufficient to provide for two parishes: it was subsequently proposed that it should be given towards providing a curate, and the Commissioners at once consented to give the 20*l.* in augmentation of the living, provided a curate was regularly employed in the parish in which the incumbent did not himself reside. The property consists, in Balderton, of 330 acres, allotted in lieu of tithe. The Commissioners had the opportunity of purchasing the leasehold interest, and they have purchased it at the sum of 12,600*l.*, and it has been urged that the Commissioners should at once augment the benefice, because they are in possession of the tithes; but as the purchase was merely an investment out of the common fund, which common fund has no surplus, the Commissioners have felt that they could not augment the church at present, and that, notwithstanding the lease had so long to run, the local claim could not be met until such lease would have expired if it had not been bought up; that will be some 32 years hence; that cannot be helped. The other property, which is in Farndon, still remains in lease, and therefore of course no local claim attaches to it until the lease expires, and there does not seem to the Commissioners to be any reason why, because they have thought it expedient to purchase the tithe land of Balderton, they should be called upon to augment that living any more than they are called upon to augment Farndon, the lease of which they have not purchased. Again, there is a case in which the Bishop of Lichfield was possessed of considerable property, of very large annual value, but which yielded in the whole an average income of 884*l.*, the real annual value of the property being very much larger, and consisting in a great measure of tithe.

443. Can you state what the annual value of the property was?—I think some 4,000*l.* or 5,000*l.* a year. It was very large. But this was held under leases for 21 years, renewable every year on payment of a fine; so that there was always an outstanding term against the church of 20 years. The Commissioners thought that it would be a very expedient course that that property should be transferred to them, and that they should pay to the Bishop of Lichfield for the time being an annuity equal to that which he had before derived from the property, namely, 884*l.* This property includes the tithes of the parish of Belgrave, in which there is great spiritual destitution, and application has been made to the Commissioners to augment that church, because the tithes are vested in them; but it is obvious that the Commissioners have not only no receipt from the tithe, but for 20 years to come they will have to pay the 884*l.* to the bishop; so that there can be no

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hardship on the parish of Belgrave if the Commissioners do not meet the local claim until they come into actual possession of the property.

444. What is the amount of their receipts from that property?—The Commissioners get nothing at present but the reserved rent, which is very small; while they have to pay the 884 *l.* per annum to the bishop.

445. Mr. *Walpole.*] Both those cases, like many others, turn upon this general principle, that though the Commissioners are apparently in receipt of a large income, they are really not in receipt of such income, because they have borrowed capital from the common fund, the interest of which is equal to the profits derived from the whole estate?—That is so, but in the second they are not in receipt of anything but the reserved rent.

446. Mr. *G. Butt.*] I think you say that in the common fund there is no surplus?—There is not.

447. Mr. *E. Denison*] You have given some instances in which the Commissioners have granted assistance, and you have given explanations why they have not done it in the other cases; can you say whether there are very many applications which you are obliged to decline?—There are.

448. The applications have been numerous which you have been obliged to decline?—Yes.

449. Sir *G. Grey.*] The cases of local claims which have been admitted by the Commissioners, if I understood you rightly, have included the repairs of chancels by the Commissioners?—Yes.

450. Does not the legal obligation attach to the owner of the great tithe to repair the chancel quite irrespectively of the local claims under the clause of the statute under which the Commissioners act; would not the Commissioners, as the owners of the great tithe, be obliged by law to repair the chancel irrespectively altogether of that clause of the Act?—Yes, they would be so obliged by law.

451. It is not under the clause which authorises them to consider local claims of parishes out of which tithes arise which are in their possession?—Exactly so. I merely instanced chancels to show that the Commissioners, where they receive tithe, not only make a grant to the incumbent, but look into the whole case.

452. In the case which you mentioned, you said that the chancel was in bad repair; that the repairs had been neglected?—Yes.

453. Has that been usually the case in instances in which the great tithes have fallen into the hands of the Commissioners?—Very generally; I may say almost invariably.

454. Then has the result of the Commissioners becoming the owners of those great tithes been, that the legal obligation has been much more efficiently fulfilled by the Commissioners than it was by the prebends who had the great tithes before?—I have not the slightest hesitation in saying that it has, very much.

455. Mr. *G. Butt.*] When the Commissioners become the owners of the great tithes, supposing the chancel is very much out of repair, do they in their arrangement take that into consideration, and call upon the vendor of the great tithes to make a suitable allowance for repairs?—In the cases which I have instanced the tithes have come into the possession of the Commissioners by the operation of the Act. Where they have bought tithes, the state of the chancel has always been considered in the purchase.

456. Mr. *Mowbray.*] Do you recollect a memorial from the nobility and gentry of the diocese of Durham being presented to the Ecclesiastical Commissioners on the 10th July 1854, with reference to the application of the fund accruing to the Commissioners from the diocese of Durham?—There have been a great many memorials from Durham, and I cannot charge my memory with that in particular.

457. Can you produce them?—I can produce any memorial of which you give me the date.

458. I should like to have the memorial of the 10th July 1854, together with your answer dated 29th July 1854?—I will produce them.

459. Lord *R. Cecil.*] Have those memorials been made with the object of enforcing local claims?—I am not prepared to answer positively; very probably they were.

460. Have you procured the return of the receipt of the diocese of Durham which was promised at the last meeting?—It is not yet ready.

461. Mr. *Mowbray.*] Do you recollect any particular cases of great spiritual destitution within the diocese of Durham which have been brought before the notice

notice of the Commissioners within the last few years?—Yes, there have been several. With such an immense number of cases constantly pressing on one, it is very difficult to state from memory. *J. J. Chalk*, Esq. 7 March 1850.

462. Do you recollect a case of the parish of Kelloe, with a population of nearly 8,000, and only one church containing 300 sittings?—Not specifically.

463. None free; and the income of the incumbent not allowing him to keep any curate?—I remember the case of Kelloe being brought before the Commissioners. I cannot charge my memory with the details of it, but I can lay before the Committee, if they see fit, the correspondence with reference to Kelloe.

464. Do you recollect another case of the district of Spennimore where a large population had grown up in the corner of four parishes, of nearly 3,000 people, and where an application was made on the part of the Dean and Chapter of Durham for your consent to the appropriation of a certain fund not belonging to the Ecclesiastical Commissioners, but to the Dean and Chapter of Durham, towards the endowment of that district?—There was a very long correspondence which took place in that case, and I can produce that also. I am not able to enter into the details of it from memory.

465. Can you produce the whole of that correspondence?—I can.

466. Do you recollect the case of St. Giles, in the district of Belmont, in the city of Durham?—Not specifically.

467. Is that a case which has been brought before the Commissioners?—It has. Belmont I think is a Peel district.

468. Belmont is a Peel district, forming part of the parish of St. Giles?—I can produce the correspondence respecting it.

469. Do you recollect any application with reference to Shotley Bridge, with a population of 10,000, and an incumbent with an income of 150*l.*?—The name of Shotley Bridge is familiar to my ear, but I cannot remember the circumstances.

470. Have you had any applications with reference to the towns of Newcastle, Gateshead, and Sunderland?—We have. We have formed a Peel district in Newcastle, and endowed it, and we have had applications for grants out of the Maltby fund from other parishes in Newcastle. I cannot charge my memory with them.

471. Do you recollect a correspondence which took place in 1853, between Lord John Thynne and the Ecclesiastical Commissioners with respect to the endowment of some churches in the parishes of St. John and St. Margaret, Westminster?—I recollect that there was a correspondence.

472. I will ask you to put in those letters?—I think it was with regard to the endowment of a new church in Westminster.

473. With regard to the endowment of several new churches?—That goes to the whole question of local claims.

474. Out of an estate belonging to the Dean and Chapter of Westminster, at Bellsize, in the parish of Hampstead?—You are aware, perhaps, that Trinity Church, Westminster, which was built by Mr. Bentinck, has since been endowed by the chapter with the consent of the Ecclesiastical Commissioners.

475. But not out of the funds out of which it was proposed to provide for it in this correspondence of 1853?—Precisely so. It was proposed to charge the endowment on an estate at Hampstead; whereas the Commissioners suggested and the chapter assented, that it should be charged on some new houses which had been built in Westminster.

476. Is any record kept of applications which are refused. Assume this state of things to exist, an application is made at one meeting of the Commissioners from the parish of A., in the diocese of Durham, from which the Commissioners receive large funds; the parish of A. having a population of 5,000; at the same meeting an application is made from parish B., in the diocese of Manchester, from which the Commissioners derive no funds; parish B. has a population of 10,000, and having a larger population is preferred on the present occasion. Is any record kept of the refusal of parish A., that a future grant may be made to it. Or assume this to be the case, that at the next meeting an application comes from Lancashire for parish C., which has only a population of 4,000, and that no application is made at that meeting in behalf of parish A., is the application on behalf of parish A. forgotten, and are the Ecclesiastical Commissioners in the habit of granting to parish C. without reference to the previous refusal of parish A.?—The supposed case is one which could not have arisen at any time within the last

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12 years, seeing that the Commissioners have had no funds out of which they could make grants; but a record is kept of everything in the office.

477. Is that record brought under the view of the Commissioners at each meeting when there is an opportunity of making a grant?—There is no such practice, as the Commissioners have been obliged to negative all applications for grants.

478. Mr. *Walpole.*] When the time comes to attend to such applications you have all the records in the office to which you can refer?—Every letter that has been received, and every case, are recorded, and can be had at any moment.

479. Then of course it will become important to consider what rules and regulations shall be laid down in reference to all the applications?—Yes. I will presently explain what rules the Commissioners laid down in distributing the Gally Knight fund.

480. *Chairman.*] I wish to ask a question with regard to the original plan of the Commissioners appointed to inquire into the state of the Established Church in England and Wales, with reference to ecclesiastical duties and revenues. They in their Second Report make this statement: "In order to give increased efficiency and usefulness to the Established Church, it is obviously necessary that we should attempt the accomplishment of two objects which are indispensable to the complete attainment of that end. One is to improve the condition of those benefices, the population of which is of considerable amount, but which are now so scantily endowed as not to yield a competent maintenance for a clergyman. The other is to add to the numbers of clergymen and churches, and so to make a more adequate provision for the religious instruction of a rapidly increased and increasing population. It appears from the Report of the Ecclesiastical Revenues Commission, that there are no less than 3,528 benefices under 150 *l.* per annum. Of this number 13 contain each a population of more than 10,000; 51, a population of from 5,000 to 10,000; 251, a population of between 2,000 and 5,000; and 1,125 have each a population of between 500 and 2,000. On every one of these benefices it is desirable that there should be a resident clergyman, but unless their value be augmented it will in many cases be impossible to secure this advantage. The necessity of such augmentation will be greatly increased by the changes which we are about to recommend in the laws relating to pluralities and residence. The means which can be applied to effect the improvement are very far short of the amount required. Even were no addition to be made to the income of benefices having a population below 500, it would take no less a sum than 235,000 *l.* per annum to raise all benefices having a population of between 500 and 2,000 to the annual value of 200 *l.*; those having a population of 2,000 and upwards to 300 *l.*, and those having 5,000 and upwards to 400 *l.* per annum." It appears from your answers that that plan thus suggested or chalked out by the Commissioners has never been actually adopted?—It was found that the scale there suggested by the Commission of Inquiry was very much higher than the funds at the disposal of the Ecclesiastical Commissioners would meet, and therefore a lower scale was adopted, namely, that which I detailed to the Committee the other day.

481. But the Commissioners in their original Report, did not recommend any increase where the population was below 500; I understand from the rules which you stated the other day, that augmentations have been made in cases where the population is below 500?—Yes, they have.

482. Therefore, the original object of increasing the livings where there was considerable population, has been very much impaired if not entirely abandoned?—I think not, altogether. I think you will see that the scale of the Ecclesiastical Commissioners contemplated that all places below 500 should be raised only to 80 *l.*, that being the minimum amount of a curate's stipend fixed by the Plurality Act; and the Commissioners thought that they would be fully justified in going to that extent with livings below 500; the amount that has been granted under that head is very small as compared with what has been done for the larger populations, and did not make a great deal of difference. In the First Report it appeared that the Commissioners had augmented 267 livings to 150 *l.* a year, their population being above 2,000; that they had augmented 98 livings with a population above 1,000; 85 livings with a population above 500; and 60 livings with a population below 500. The annual sum granted to those above 2,000 being 17,202 *l.*; to those above 1,000, £. 4,470; to those above 500, 3,640 *l.*; to those below

below 500*l.*; 1,443. So that out of 26,000*l.* a year they have only granted 1,443*l.* to livings below 500.

483. Mr. *Walpole.*] In any of those cases had the Commissioners raised the amount above 80*l.* a year?—They had not.

484. Sir *J. Graham.*] Have you any junior clerk in your office who receives less than 80*l.* a year?—We occasionally have young men who come as supernumerary copyists at a guinea a week, but the junior clerks on the establishment commence at 80*l.* a year, and rise 10*l.* a year up to 140*l.*

485. *Chairman.*] The original distinction of livings having a population of more than 5,000 has been relinquished, as I understand?—There was no difference made in populations above 2,000; cases of 2,000 and upwards were augmented to 150*l.*, with the view, as I stated at the last examination, that where the population exceeded 2,000, it seemed to be rather a case for a new district than for augmenting the church.

486. Lord *R. Cecil.*] Have not the Commissioners felt themselves absolutely precluded by law in any case except that of tithes?—Not precluded by law. They have felt themselves called upon under the clause in the Act 3rd & 4th Victoria, chapter 113, which authorises the distribution of the fund, to consider the wants and circumstances of all cases, without reference to their possession of property in the parish, except in cases of tithes. In some few cases, when the Commissioners had a considerable surplus, additions were made in parishes where the Commissioners had property not being tithe; those additions raised the incomes of the incumbents above the scale I have mentioned. They only dealt with them as very special cases.

487. It would have been in their power to have attended to the applications from the diocese of Durham?—It would.

488. But they thought it inexpedient to do so?—They thought that the claims of those particular cases in Durham were not such as to make them exceptions, and they could not, therefore, deal with them otherwise than under the general rule.

489. Mr. *Walpole*] The 67th section of the 3d & 4th Victoria, chapter 113, is the clause of the Act of Parliament which relates to the question of local claims?—It is.

490. By that section, as I understand it, all the property which is vested in the Ecclesiastical Commissioners, whether moneys and revenues, or whether rents and profits of lands, tithes, and other hereditaments, is to be applied in the following manner, "by the authority hereinafter provided for the cure of souls in parishes where such assistance is most required"?—Yes.

491. It would, therefore, I imagine, be the duty of the Commissioners to attend to those places where such assistance was most required, with reference to the application of any property which was vested in them?—Just so.

492. The proviso added to that clause relates, as I read it, solely to tithes, and not to any other property?—Precisely so.

493. Consequently, as long as there are cases which most require assistance arising either out of tithes or out of other property, you must apply, according to Act of Parliament, the property with reference to those cases in the first instance?—That appears to be the correct inference.

494. But there is nothing in that section of the Act of Parliament which precludes the Commissioners from applying the money for the benefit of places which most require such assistance, where the property is derived from tithes?—No, certainly not.

495. And the Commissioners would bear in mind the claims of such a parish equally with the claims of other parishes, from whatever source the property was derived?—Yes.

496. The Act of Parliament having prescribed that rule for the Commissioners, the Commissioners are bound to confine the application of money for local claims to the property which is derived from tithes, are they not?—The Commissioners are to apply it where assistance is most required, provided that, with regard to tithe, before they apply the proceeds to other parishes, they must consider the wants and circumstances of the parish in which the tithes arise.

497. In the case of tithes, but in the case of tithes alone?—Yes.

498. The Legislature having specified the case of tithes alone, where the Commissioners are to have regard to the wants and circumstances of the place, by implication the Commissioners are precluded from applying the income derived

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from other property to those particular places, unless assistance is most required?—Just so.

499. But where assistance is most required, of course those places would have an equal claim, though the property was not derived from tithes?—Yes.

500. Mr. *Ingham.*] You stated that, in the case of Westminster, the Commissioners had assented to the chapter of Westminster endowing a church in their patronage, with an income to be charged upon some new buildings?—Yes.

501. Do you consider that ecclesiastical bodies in the receipt of large funds from such property have the power, with the sanction of the Commissioners, of endowing parishes, although, perhaps, they are not strictly the most necessitous of all parishes?—Bishops and chapters have the power, under the Act of the 1st & 2d of William the Fourth, chapter 45, of endowing churches in their patronage, or the churches of parishes in which they possess property, and the exercise of that power is by the 3d & 4th of Victoria, chapter 113, made subject to the consent of the Ecclesiastical Commissioners.

502. Do you recollect the circumstances of the case of South Shields?—I do not.

503. There had been very large sales under the authority of Acts of Parliament for docks and piers, and other public works, and the receipt of many thousand pounds had come from the sale of those properties to the chapter. There was a Bill introduced last year to effect some endowment, but it was considered too late, and application was afterwards made to the Commissioners. Would the chapter, in a case of that sort, have the power, with the consent of the bishop and the Commissioners, of endowing any parish within their patronage, if necessity existed, out of the funds so received?—I am not sure that the Act under which such endowments are made would authorize them to do that. My impression is, that the Act authorizes them to charge upon a particular estate, or the rent of an estate, and not to expend moneys. I do not think it applies to moneys in their possession. If the Committee will permit me, I have two cases here which completely bear upon this point.

504. In answer to Question 354, You say, "I think that that property," which is the receipt from sales, "belongs to the Dean and Chapter of Durham, and therefore the Commissioners have no claim upon it." By what contrivance could it possibly be made available for the endowment of a living where all parties are really desirous of it, the chapter and the bishop. You say that the Commissioners have no right to interfere at all?—I can state a case which occurred in the Chapter of Durham some time ago; it was a case where the chapter were desirous of augmenting a living in their patronage. I think they had not any property in the parish which they could give to it, and it was proposed to give something at a considerable distance. The Commissioners thought that unadvisable, and it happened that the Commissioners had just before purchased, at a very reasonable rate, the tithes of the parish. As they had no surplus fund at their disposal of course they could not give, but they proposed to the chapter to sell to them such an amount of tithe as the chapter would desire to attach to the living, and that arrangement was completed. The chapter bought the tithe of the Commissioners and then annexed it to the living under the Act I have just alluded to. It was a suggestion of the Commissioners, and it appeared a very good arrangement.

505. Do you think, that with the money which the chapter have in hand they might effect a similar purchase, and get the Commissioners' consent?—Very possibly; that money in their hands is to be reinvested in freehold hereditaments, and tithe might be purchased and could be dealt with in that way.

506. Mr. *Mowbray.*] Do you recollect the name of the parish?—Brompton, in Northallerton, I think, was the name of the district. The Commissioners have in numerous instances consented to grants under the Act which has just been alluded to, the 1st & 2d William the Fourth, chapter 45; it is called usually the Archbishop's Enabling Act; in some instances they have refused to consent. I have here two cases, one in which they have consented, and one in which they have refused to consent, in order to show how these matters are dealt with. In the case of Newington, near Walworth, the dean and chapter of Canterbury have an estate which, under a special Act of Parliament, they have leased for building purposes; there have been erected on this estate 1,000 houses, with a population of 6,000, and the income of the dean and chapter, derived from the ground-rents, is some 1,900 *l.* a year; the chapter have contributed largely towards building a church, to contain 1,200 people, and they now propose to grant 150 *l.* a year

a year towards the endowment, to be secured on these rents. That is a case to which the Commissioners immediately and without any hesitation consented.

507. Sir *G. Grey.*] Is not that a case in which the property remained in the dean and chapter, and did not become vested in the Commissioners?—Yes, it only required the consent of the Commissioners; but that is a point which arises in some of the Durham cases, and also in the case of the Dean and Chapter of Westminster.

508. But the property there is not subject to the provisions of the clause of the 3rd & 4th Victoria, chapter 113, which prescribes the mode of action which the Commissioners are to adopt with regard to claims?—It is not. Here is another case where the Commissioners refused. The Dean and Chapter of Winchester made an application to the Commissioners for their consent to their annexing a reserved rent under a lease of property to a new church proposed to be built at Bulkington, in the parish of Keevil. The late Dean of Christchurch had left the sum of 400 *l.* or 500 *l.* for building a church in this district, and the dean and chapter proposed to make a grant of the reserved rent of some property which they had in the parish, amounting to 23 *l.* 10 *s.*, to be increased on the next renewal of the lease to 50 *l.*, per annum for the endowment of this church. The application was referred by the Commissioners to a committee, and this is the Report which the committee made; "The committee have, in conformity with the reference made to them by the Board of the 28th June last, had under consideration the proposal, by the Dean and Chapter of Winchester, to endow, under the provisions of the Act 1st & 2nd William the Fourth, chapter 45, a proposed new church at Bulkington, in the parish of Keevil, Wilts, with the reserved rents, amounting to 23 *l.* 10 *s.*, accruing under the lease of the rectorial tithes of the parish, forming part of the capitular estates, such endowment to be increased to 50 *l.* per annum upon the next renewal of the lease of the tithes. The Committee have since received from the chapter a further statement of particulars in reference to the proposal, and have also obtained from the Vicar of Keevil a return of the circumstances of that benefice, and from these documents the committee learn that the net income of the vicarage is about 250 *l.* per annum, with a house, that the population of the entire parish but little exceeds 700, while that of the hamlet of Bulkington, for the convenience of which the new church is specially designed, comprised at the census of 1851 only 256 persons, who are distant about two miles from the parish church. After careful consideration of the foregoing facts, and of the other circumstances bearing upon the proposal, it does not appear to the Committee that the case is of such a character as to justify the Commissioners in consenting to the co-operation of the chapter in the proposed arrangement, and they recommend that an answer to this effect be returned." The Commissioners thought that it was very undesirable to create a small benefice with a population of only 256 persons with an income of only 23 *l.* 10 *s.*, and no house. They thought that that was a case where, if a church was to be built, it would be much better that it should be held by the incumbent of the Mother Church as a chapel of ease, or something of that sort. The Commissioners thought that that was not a case in which they should concur. I merely instance these two cases to show the views which the Commissioners take in giving or withholding their consent in matters of this kind. It has been urged upon them, that as they were only required to give their consent it was inexpedient to withhold it, but these were the grounds on which they withheld it, the Commissioners being entitled in respect of the common fund to about half of the whole of the chapter revenues.

509. If that proposal had been agreed to, it would have been a diversion of a portion of the funds coming to the Commissioners from purposes which were thought of more importance for the benefit of the Church?—Precisely so.

510. Mr. *Mowbray.*] With reference to your answer to Question 341, where you state that 600,000 *l.*, 3 per cent. stock, has been nearly exhausted, do you know how much remains?—The common fund is all kept as one fund.

511. I am speaking with reference to the money borrowed in 1844, of Queen Anne's Bounty?—That only forms part of the common fund; it was merely transferred to the Commissioners in aid of the common fund.

512. Is there any remaining stock now standing to the account of the Commissioners?—If you turn to the eighth general Report which has just been laid before Parliament, you will see that the Commissioners had, on the day up to

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which this Report was made, cash at the Bank of England, 117,013 *l.*; 3 per cent. Consolidated Annuities, 189,377 *l.*; 3 per cent. Reduced Annuities, 44,222 *l.*; New 3 per cents., 173 *l.*; Exchequer Bills deposited at the Bank of England, 17,400 *l.*; mortgages, 3,830 *l.*

513. Was there any sale of stock in 1855, for the purposes of the current expenditure?—Consolidated 3 per cent. Annuities, 30,000 *l.*, stock sold; Reduced 3 per cent. Annuities, 50,000 *l.*, stock sold.

514. I believe there has been a sale of stock for the last 10 years, at the rate of about 60,000 *l.* a year?—I am not prepared to say what the amount has been, but the present state of the fund is, that there is ample to meet all the liabilities.

515. Have any arrangements been made, or are any in contemplation at present, for the repayment of the sum of 600,000 *l.* borrowed from Queen Anne's Bounty?—The Commissioners could pay it to-morrow if it were necessary, but it would be very undesirable to do it.

516. Out of what fund?—They have assets sufficient.

517. Mr. *Ingham.*] Have you read correctly 117,000 *l.* as remaining at the Bank of England?—That was the state of the fund on the 31st of October. On the 1st of November, the next day, the augmentation grants became due; in the course of the month of November we pay in augmentation of clergy and other periodical payments a very large sum, so that that balance was not too large.

518. Mr. *Mowbray.*] What are the available assets at present, out of which the Ecclesiastical Commissioners would be able to repay the sum of 600,000 *l.*?—This account shows a large amount of stock.

519. What amount of stock?—We could immediately produce it if required; but, as I explained the other day, it would be of no advantage to Queen Anne's Bounty to receive it; and no advantage to us to be relieved from the debt. They hold now a charge on our estates in lieu of holding stock, and they receive from us 18,000 *l.* a year, which is the exact amount of the dividend which they would receive if they held stock.

520. Mr. *Walpole.*] The Governors of Queen Anne's Bounty transferred that 600,000 *l.* stock, for which they receive 18,000 *l.* a year?—Yes.

521. They advanced 600,000 *l.* stock to the Ecclesiastical Commissioners?—Yes.

522. The Ecclesiastical Commissioners disposed of that 600,000 *l.* stock from time to time in the creation of new church districts, paying the clergymen 150 *l.* a year?—Yes. They appropriated it to the general purposes of their common fund.

523. The interest of that money, therefore, became a charge against the general fund, which that general fund makes good by paying the 18,000 *l.* a year to the Governors of Queen Anne's Bounty?—Yes.

524. There is no loss therefore to the Governors of Queen Anne's Bounty, and no loss to any other parties; but the Ecclesiastical Commissioners got a large sum immediately in hand to work out the provisions of the Act of Parliament, by way of creating these districts, and the agumentation of other livings?—Precisely so.

525. The accounts will show that the interest of that 600,000 *l.*, namely, 18,000 *l.* a year, is paid out of property now belonging to the Ecclesiastical Commissioners to the Governors of Queen Anne's Bounty?—Yes.

526. Consequently it may be considered as an advance which the Governors of Queen Anne's Bounty have made to the Ecclesiastical Commissioners, the Ecclesiastical Commissioners paying the interest for it out of their own property?—Yes.

527. Lord *R. Cecil.*] What is the object of retaining so large a balance of stock instead of investing it in land?—If you will turn to the account appended to the Report you will find under the head of capital, estates sold during the last year, 204,971 *l.*, estates purchased, 272,566 *l.*, which will show that we are constantly selling and we are constantly purchasing. When we want to purchase we cannot sell an estate exactly of that amount, but we must buy and sell as opportunities occur. We must always have a floating balance, which will be sometimes greater and sometimes less.

528. That amount of floating balance is necessary to meet those transactions?—Yes. Moreover we paid last year in cash to augmented sees, 43,000 *l.*; to chapters, 10,000 *l.*; minor canons, 432 *l.*; archdeaconries, 4,700 *l.*; and livings, 82,000 *l.*; that is all paid in cash half-yearly; therefore it is necessary that we should have a large available balance. This 117,000 *l.*, which appears as the balance

at

at the bottom of this account on the 31st October, was liable to be called for almost to its entire extent the very next morning, the next morning being the 1st November, on which our periodical payments fall due.

529. Mr. *Mowbray.*] Did the Act of the 6th & 7th Victoria, authorising you to borrow of the Governors of Queen Anne's Bounty 600,000 *l.*, give you power to borrow further stock under the second section?—It gave power, if the governors should see fit.

530. Was there any negotiation for a further loan?—An application was made for a further loan.

531. Was that refused?—It was refused.

532. You have stated that the interest has been regularly paid, and it has been represented that the Governors of Queen Anne's Bounty have a mortgage on the property belonging to the Commissioners; is it quite clear that the security of that mortgage is a good one?—Quite clear.

533. In there not a clause in the Act which gives the Commissioners, notwithstanding the charge created, the rights of ownership over any lands, tithes, rent-charges, tenements, and other hereditaments, and which provides that the consent of the governors shall not be in any case required to the exercise by the Commissioners of any such rights, notwithstanding such charge?—There is such a clause.

534. You said also, in answer to Question 341, that the 600,000 *l.* had "not been very strictly divided; we have used it for other purposes of the common fund;" has any portion of it been expended in episcopal residences?—That word "divided" does not make sense of the answer; that is a mistake; my answer was to the effect that it had not been specifically dealt with. If you turn to the Act under which the Commissioners obtained that sum you will see, that the Act does not in any way determine what they are to do with it. It has been applied for the general purposes of the common fund.

535. Has any portion of it been applied in episcopal residences?—The episcopal and common fund are one, and when it has been necessary to make any provision for episcopal residences, it has been made out of the common fund, since the fusion of the two funds; prior to the fusion of the two funds all sums paid for episcopal residences were paid out of the episcopal fund.

536. Is there at present a large balance against the episcopal fund?—The sums paid by bishops do not amount to the sums paid to bishops, but that is easily accounted for; it is accounted for, as I think I explained before, by the fact, that as the regulation of the bishops' incomes comes under the control of the Ecclesiastical Commissioners, in a great many instances they abstain from renewing the leases, and consequently the annual income of the bishops must necessarily fall off; but when the estates shall have been dealt with by the Commissioners, there is no doubt that the episcopal property will yield a very large surplus, quite sufficient to pay all that has been previously advanced to the bishops out of the common fund, and to leave a considerable balance.

537. Do you know what the amount has been of the entire expenditure upon episcopal residences and domains?—That is given in former Reports.

538. I think the Third Report gives it as 147,795*l.*?—The whole of that question was gone into before the Committee of which Mr. Denison was the chairman, in 1847-8; the whole of the question of episcopal residences was thoroughly investigated, and all that evidence is before this Committee.

539. Sir *G. Grey.*] Can you state what has been expended upon episcopal residences since that Committee reported?—In the Third Report of the Ecclesiastical Commissioners, p. 55, is an account of all that had been expended on episcopal residences up to that time.

540. Can you distinguish what has been expended upon episcopal residences since the date of the Report of the Committee to which you have alluded?—Since the date of that Report I think there has been only one episcopal residence provided.

541. Which is that?—That of Manchester.

542. In which case there was no residence for the bishop?—There was no residence for the bishop.

543. Mr. *E. Denison.*] What has been the expense for Manchester?—I am not prepared to say.

544. Mr. *Mowbray.*] I think the total expenditure mentioned in the Third Report is 147,795 *l.*?—No, I make it only £.36.634.

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545. That is the outlay from the episcopal fund, but there has been 111,161*l.*, added from other sources, I believe?—If such figures as those exist any where, they must include the reinvestments in estates which took place in connexion with the provision of the residences. In the case of the Bishop of Lincoln, there was a reinvestment in a large estate; so also in the case of the Bishop of Gloucester and Bristol. Such a sum as that may have been expended in that way; but the actual cost to the fund up to the date of that Report is 36,634*l.*

546. Mr. *G. Butt.*] In what year was that?—1850.

547. Sir *G. Grey.*] And the only one since that is the residence for the new see of Manchester?—Yes.

548. Marquis of *Blandford.*] At the time of that Committee, in 1847 and 1848, the episcopal fund was not fused into the common fund, was it?—No.

549. Therefore all the expenditure then made for episcopal purposes came out of the episcopal fund?—Exactly.

550. Then, if since that time only one bishop's residence has been provided for out of the fused fund, no portion of that 600,000*l.*, which was voted in the year 1843, could have gone to episcopal residences?—Practically it did not.

551. Lord *R. Cecil.*] Can you furnish the following return: the gross receipt between 13th August 1836, and 31st December 1855, from bishops' estates, from capitular estates, and from other sources; the gross payments during the same period to bishops and capitular bodies, to building episcopal residences, and purchasing episcopal domains; to relieving spiritual destitution, building parsonages, and the payments to surveyors, solicitors, managers, receivers, and the staff at the central office?—The whole of that, I think, will be found in the several Reports which the Commissioners have laid before Parliament.

552. But it is a work of no small labour to ascertain it?—It can, in the course of time, be compiled.

553. I do not want the items, but merely those gross sums?—But the items must be taken out to arrive at the gross sums.

554. With reference to the relations of the Estates Committee and the Ecclesiastical Commission, the power of the Estates Committee includes everything relating to the sale, purchase, exchange, letting, or management of lands, tithes, and hereditaments?—Yes.

555. Have you before you the Act of the 13th & 14th Victoria, chapter 94?—I have.

556. What is the meaning of the exception in the last three lines of the 11th clause; what are the matters which that exception precludes the Estates Committee from dealing with?—That clause authorises the Ecclesiastical Commissioners, the General Board, to depute to the Estates Committee matters to do and complete. They can "do and complete any act within the powers of the said Ecclesiastical Commissioners, except affixing the common seal to any scheme to which the said Estates Committee are not hereinbefore authorised to affix such seal, without reporting to or requiring further instructions from the said Ecclesiastical Commission."

557. But I see that clause 8 includes the affixing of the common seal to any scheme?—To any scheme relating to the sale, purchase, or exchange of lands.

558. What schemes are those which do not have regard to the sale, purchase, exchange, letting, or management of lands, tithes, or hereditaments?—I will give you an instance. The Ecclesiastical Commissioners are authorised by a special Act to sanction building and mining leases by incumbents of benefices and by ecclesiastical corporations, and one of the provisions of that Act is, that in cases of mining leases by incumbents, the Commissioners shall give to the incumbent such portion, not exceeding one-half, as they shall see fit, and shall take to themselves such portion not exceeding three-fourths as they shall see fit. In order to do that there must be a scheme. The Commissioners have referred to the Estates Committee the entire carrying out of the provisions of that Act; but when it comes to laying a scheme before the Queen in Council determining what portion of the improved value shall be paid to them, that scheme must be sealed by the Board.

559. That applies to the leasing of mines?—Yes.

560. Does not that come under the provisions in respect of letting hereditaments?—It is mines and minerals under lands belonging to the incumbents of benefices.

benefices. The management of the estates authorised by this Act applies only to the estates actually vested in the Commissioners.

561. "Including the affixing of the common seal to any scheme or other instrument within the power of the said Ecclesiastical Commissioners in respect of the sale, purchase, exchange, letting or management of any lands, tithes, or hereditaments"?—In this case the Commissioners do not let the lands; they only sanction the letting by other persons.

562. Mr. *Walpole.*] Section 8, as I understand it, refers to lands which may be the subject of sale, purchase, exchange, letting, or management, which belong to the Ecclesiastical Commissioners?—Yes.

563. There is other property, not belonging to the Ecclesiastical Commissioners, with respect to which the Estates Committee and the Church Estates Commissioners may be called upon to act, by giving their consent; the two clauses therefore relate to different subject-matters?—Quite so.

564. The one relates to property vested in the Ecclesiastical Commissioners, the other to property which is not so vested?—Precisely so.

565. Mr. *G. Butt.*] With respect to mines; an incumbent could not open mines, and it was desirable to make mining property available?—Yes.

566. Therefore it was that that power was given to effectuate that object?—Yes.

567. So that the incumbent might have a fair proportion of the profits which might be derived from the mines?—Yes.

568. And the residue, according to the scheme approved of, would go to the fund?—Yes.

569. Lord *R. Cecil.*] Are there any other schemes which the Commissioners can make to the exclusion of the Estates Committee, and which the Estates Committee cannot make without the consent of the Board?—Of the matters which are referred to the Estates Committee, under seal at present, I think there are no cases except those under the Leasing Act, in which schemes would be necessary.

570. Sir *G. Grey.*] Have you the Report of last year before you?—I have.

571. Is not there in the Appendix to that Report a list of the schemes sanctioned and approved by Her Majesty in Council during the year preceding the 1st November 1855?—There is.

572. Are not many of those schemes, schemes to which the Estates Committee could not, under the provisions of that Act, affix the common seal?—A great many of them.

573. Take the first: a scheme "for confirming certain alterations in the statutes of the Cathedral Church of St. Paul, London." Is not that an instance?—Yes.

574. Then the second: a scheme "for regulating the incomes of the dean and canons of the Cathedral Church of Salisbury"?—Yes.

575. Taking the first two cases, are not those specimens of schemes in which power is reserved to the Commissioners exclusively, as a general body, to affix the common seal?—Those are schemes to which the Committee could not affix their seal: they must be sealed by the General Board.

576. Are they not specimens of schemes included in the 11th section, to which the Estates Committee are not authorised to affix the common seal?—They are. The Board affix their seal to those schemes to which you have alluded under their general powers.

577. Lord *R. Cecil.*] But all matters in respect of management of land belong solely to the Estates Committee?—Wholly and solely.

578. Have you the paper which Lord Chichester delivered in with respect to the Norwell estate, the paper in the Appendix, page 390; I see there that the agents write this to you: "We are directed by the Committee to state, for the consideration of the Board to-morrow, our views as to the mode in which the drainage of this estate should be effected." Are matters respecting the management of estates, such as drainage, habitually reported on by the Committee to the Board, or do the Committee act independently?—I do not recollect what this letter is, "We are directed by the Committee to state." I think that must be a misprint. The only explanation of the passage must be that Messrs. Pickering & Smith had been orally directed by the Committee to report formally on the subject which had been under discussion.

579. Then we may conclude that it is never the practice of the Committee to trouble the Board with such matters as relate to the sale, purchase, letting, or

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management of land. They are neither bound to do so by law, nor is it their practice to do so by courtesy?—This Act states that it is to be managed wholly by the Estates Committee, and it is managed wholly and solely by the Estates Committee.

580. But yet I see that in your correspondence with Mr. Denison's agents (page 371 of the Appendix), you invariably express yourself thus: "I have laid before the Ecclesiastical Commissioners for England your letter of the 24th instant, accepting the offer of sale of Pearce's farm." In point of fact, you had never been near the Ecclesiastical Commissioners for England?—You will see that the Act contemplates in clause 8, that the Estates Committee are to act on behalf of the Ecclesiastical Commissioners for England.

581. It involves the fact of your stating to all persons throughout England, with whom you may happen to have dealings with respect to land, that which in point of strict language is not the fact, viz., that the Ecclesiastical Commissioners have personal cognizance of the matters to which you are referring?—The Estates Committee have no status of that kind which would justify their names being used as the parties authorising. All the acts are done by the Estates Committee, in the name of the Ecclesiastical Commissioners; and when I write to announce any act which has been done by the Estates Committee, I do not say that it is done by the Estates Committee, but I say by the Ecclesiastical Commissioners, it being understood that it is done by the Estates Committee acting for the Ecclesiastical Commissioners as provided by the Act.

582. Mr. *G. Butt.*] The fact is, that the Ecclesiastical Commissioners do it by the Estates Committee?—Yes; it is required by the Act.

583. Lord *R. Cecil.*] Lord Chichester stated that it was a guarantee to the clergy of the Church of England, an arrangement which gave them security, to know that in the Board which managed their estates and their interests, all the bishops might be present; but it appears that that security is perfectly illusory?—I speak under correction, but I am not quite sure that that is precisely what Lord Chichester said.

584. Lord Chichester was asked, "Is that ultimate reference to the Board an arrangement which you think necessary to continue, or might not the final settlement be left to the Church Estates Commissioners; increased as you propose"? The answer was, "I have a strong opinion that the Church and the public derive a considerable benefit from the occasional presence of the bishops at the Board. They are able to give us a great deal of local information, which, perhaps, we might not otherwise obtain; besides which, I think that it gives a certain amount of confidence to the clergy and the country generally, when they know that all the important questions affecting their interests are discussed in the presence of the bishops of the Church. Therefore, I think the arrangement of the Act of 1850 a very convenient arrangement for the discharge of business, and for the proper security of the estates of the Church, and also one which is calculated to give satisfaction, and I think does in the main give satisfaction to the clerical members of the Church." Is it not the case that the bishops, except such one of the bishops as may be appointed on the Estates Committee, are really never present at the consideration of any questions affecting the management of ecclesiastical property?—When you commenced reading, you began with the words "ultimate reference;" to what did that refer. I think it will be found that what I state is the view which Lord Chichester intended to present.

585. Mr. *Walpole.*] His Lordship is asked, "Then in respect of what business does the general Board exercise a supervision over the proceedings of the Estates Committee, or of the Church Estates Commissioners"? His answer is this, "In all matters not directly affecting the management of estates; for instance, questions of augmentation." Then he is asked, "Then are the Committee to understand you, that in all matters affecting property, the general Board is deprived now of any right of action, and that the management is transferred to the Estates Committee, or to the Church Estates Commissioners"? The answer is, "Except so far as the Board is empowered by the Act to make regulations for the guidance of the Estates Committee. The Estates Commissioners as a separate body are totally independent of the Board." That is a correct statement of the mode of proceeding?—Yes.

586. Sir *G. Grey.*] At Question 156, Lord Chichester expressly says again, in answer to the question, "Then in what respects does the existence of the general Board

Board give confidence to the clergy or to the public, in regard to the management of ecclesiastical property"?—"I alluded rather to the expenditure of the funds of the Church than to the management of property"?—Yes.

587. Lord *R. Cecil.*] But is not one of the main points upon which doubts are felt with regard to the Ecclesiastical Commissioners, with respect to that expenditure of funds which is involved in the management of property?—I am not aware of any doubts, but if you refer to the expenses of managing the property, that management is wholly in the Estates Committee, and they will be quite ready to show what that management has been; it will be shown, I have no doubt, before this Committee's labours are concluded.

588. Mr. *Walpole.*] The supervision of expenses incurred in the management of property is, in point of fact, one of the duties thrown upon the Estates Committee by the Legislature?—Yes.

589. Other questions which may arise with reference to property not being thrown upon the Estates Committee by the Act of Parliament, would be under the control to a certain extent of the general Board of Commissioners?—Yes.

590. And they would have a voice in all matters, excepting those which are transferred distinctly by the Legislature to the Estates Committee?—Yes. The Act gives the Estates Committee three classes of powers. The first is, that it gives them the entire management of estates absolutely; next, it authorises the Board to depute to them to do and complete such matters as the Board shall see fit to delegate to them under seal; and, thirdly, it authorises the Board to refer to the Estates Committee matters for their consideration, upon which to report to the Board. And I think it probable that the expression of Lord Chichester had reference to those matters which are referred to the Estates Committee, and are reported on by them to the Board.

591. Sir *J. Graham.*] Under the Act which constitutes the Estates Committee is there not a power given to the entire body, including the bishops, to make regulations for the guidance of the Estates Committee?—There is.

592. Thereby the Board exercises supervision and control, if it thinks fit, over the proceedings of the Estates Committee?—Yes; and the Act, moreover, authorises the appointment by them of two of their members to sit on that Committee.

593. One a layman and the other a churchman?—One at least must be a layman.

594. Lord *R. Cecil.*] In the Appendix, at the bottom of page 283, I observe a reference to 362 *l.* annually paid by the dean and chapter, as trustees of York Minster fabric fund, to the Commissioners. I wish to ask you, generally, in what way have the Commissioners dealt with the fabric fund. The Act of the 3d and 4th Victoria, chapter 113, section 49, provides at the end, "that nothing herein contained shall be construed to affect the right of any chapter, according to the statutes or customs of such chapter, in force at the passing of this Act, to make due provision out of the divisible corporate revenues for the maintenance of the fabric." How does it then result that any part of the fabric fund is payable to the Commissioners?—The Dean and Chapter of York, as the Committee are aware, have transferred all their estates to the Commissioners, the property consisting partly of land and partly of stock and cash. There is an Act of the 5th and 6th Victoria, under which the fabric estate was mortgaged to raise a sum of money for repairing the cathedral, and under that Act the Dean and Chapter of York were bound to invest every year the sum there mentioned, namely, 362 *l.* It was to be paid to the Commissioners, and be by them paid into the Court of Chancery. As the Commissioners have taken all the estates of the chapter, including their stock and cash, they have taken the stock, which had accumulated from those annual payments up to the date of the transfer, and would be entitled to all others that might be invested; they do not now invest it, but they retain it; as it avoids expense, and the transaction is merely the paying off by the chapter of a mortgage debt which they incurred many years ago.

595. Then it is only a special case due to a special Act of Parliament?—It is only a special case arising under the 5th & 6th Victoria, chapter 19.

596. In general the Commissioners have not touched the fabric fund?—They have not.

597. Do you know what is the whole acreage of the estates in the hands of the Commissioners?—I do not, at this moment.

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598. That can be furnished?—Yes.

599. I wish to know the proportion of the Norwell estate to the rest?—I think that has been given. I think that is in evidence.

600. Mr. *E. Denison.*] You have put in three lists of attendances,—attendances at the meetings of the Estates Committee, at the general meetings of the Board, and at meetings of the Church Estates Commissioners. Those I suppose often took place on the same day?—The general meetings take place on the second and fourth Thursdays in the month, as a rule; the Estates Committee and the Church Estates Commissioners meet every Thursday, as a rule; and on those days on which the general Board meet, the Estates Committee and the Church Estates Commissioners hold their meetings after the general Board.

601. But I think that Lord Chichester in his evidence said that the meetings were about once a fortnight during the sitting of Parliament?—These are the general meetings appointed for the Ecclesiastical Commissioners in 1856: January, the 10th and 24th; February, the 14th and 28th; March, the 13th, Easter intervenes; April, the 10th and 24th; May, the 8th and 22d; June, the 12th and 26th; July, the 10th and 24th; August, the 14th and 28th; September and October, Recess; November, the 13th and 27th; December, Thursday the 11th.

602. Those are the general meetings?—Yes, and then the Estates Committee and the Church Estates Commissioners meet on every Thursday, including those Thursdays on which the general meetings take place. The only suspension of their meetings is during September and October, and there is generally in the course of the recess one, if not two meetings of the Estates Committee and the Church Estates Commissioners.

603. Are these meetings which are put down here cases in which there have been actual meetings of the Board, and in which there has not happened to be an individual member, and so on?—No business is ever transacted unless there is a quorum.

604. Were these such meetings as would have been capable of transacting business?—They were, and they did transact business.

605. *Chairman.*] All schemes which are recommended to Her Majesty for an Order in Council must proceed from the Commissioners, must they not; not from the Church Estates Commissioners or from the Estates Committee?—The Estates Committee seal all schemes relating to the sale, purchase, or exchange of property; but all other schemes must be sealed by the general Board.

606. Are there any schemes which are sanctioned by the Queen in Council which do not proceed from the general Board?—All the schemes relating to the sale of estates.

607. Sir *J. Graham.*] With reference to the attendance of the members of the Estates Committee, as the business increases, in your experience, do you think it would be advisable to make any alteration with regard to the two members appointed by the Crown, one of whom only is paid, and on whom alone, therefore, it is an incumbent duty constantly to attend?—I was present when Lord Chichester gave his evidence the other day, and he distinctly set out what he thought, and what I think, to be the requirements of the Board. It is necessary that there should be three present at the Estates Committee, of whom two at least must be Church Estates Commissioners; and it has been found, in the case of the illness or the necessary absence of one, very difficult to constitute a Board. In the case of Mr. Lefevre, who is the third Commissioner, and who is not paid, his time is so much occupied in the House of Lords, that it is very difficult to be sure of his attendance.

608. Before Mr. Lefevre was so much occupied, his attendance was very regular?—Yes; at first his attendance was more regular than it is now.

609. Latterly, since his avocations have become so numerous, his attendance has not been so regular?—It has not.

610. Has not his absence been a great loss and a serious inconvenience?—Yes, it has.

611. And if the business of the Estates Committee is to increase, and Mr. Lefevre's absence should also increase, would not the impediment to the transaction of the business, in your opinion, become very serious?—It would be liable to create very great inconvenience.

612. Sir *G. Grey.*] Are you aware whether Mr. Lefevre has had additional duties

duties imposed upon him lately as one of the Civil Service Commissioners for the examination of candidates?—Yes; he has been very constantly engaged in that duty.

613. *Chairman.*] Has that diminished his attendance?—No doubt it has.

614. Mr. *Walpole.*] Notwithstanding the numerous and laborious occupations which Mr. Lefevre has, I perceive that his attendance, as one of the Church Estates Commissioners, is as 105 to 157?—Yes.

615. Therefore, at two-thirds of the meetings he has been present?—Yes.

616. And I perceive, that in the list of attendances of the Estates Committee, his attendances have been as 149 to 207; therefore, in point of fact, in that case three-fourths of the meetings have been attended by Mr. Lefevre?—Yes.

617. Supposing an alteration should be made in the constitution of the Estates Committee, would it not be very desirable to continue the services of Mr. Lefevre; and have they not been of the greatest use in the consideration of matters which have been brought before that Committee?—Mr. Lefevre's services have been most important, and may still be so without imposing on him the necessity of always attending. It frequently happens that there are very complicated cases, and Mr. Lefevre has with great kindness taken them home and worked at them, and has then been prepared to state shortly to the Board what his views have been. That has saved a great deal of trouble, and has enabled the Commissioners to overcome many difficulties. But his constant attendance, with the numerous avocations which he has, is more than can be expected.

618. Sir *G. Grey.*] Then you mean, that by strengthening the Estates Committee by the addition of other members, one of whom should be paid, Mr. Lefevre's services might be continued beneficially without imposing upon him the necessity of such frequent attendance as he has hitherto given?—Precisely so.

619. Marquis of *Blandford.*] Does your view concur with that expressed by Lord Chichester, that of the additional members of the Estates Committee, one should be in the appointment of the Archbishop of Canterbury?—Yes, I think that would be very desirable.

620. Rather than in the body of bishops generally?—The Board already appoint two members of the Estates Committee.

621. One of those only is a bishop, I think?—One of those only is a bishop.

622. The other is a layman?—He is.

623. Mr. *G. Butt.*] Do you think there would be inconvenience in the appointment being vested in a body composed of many persons, like the body of bishops?—I think that a permanent appointment might be inconvenient if vested in a body.

624. Marquis of *Blandford.*] Might it not be advantageously vested in the other archbishop?—I do not like to give an opinion upon that point; either archbishop would, no doubt, exercise it with great propriety; I have every reason to think so from what they have done heretofore.

625. Sir *J. Graham.*] The selection by the Board of the layman and the bishop as members of the Estates Committee occurs annually?—Yes.

626. That selection is limited to members of the Commission?—Yes; members of the Board.

627. Marquis of *Blandford.*] You propose to increase the number of members of whom the Estates Committee consist; would a corresponding increase be required in the staff, such as clerks and subordinate officers, to work the business of the office?—I do not think the one necessarily hangs on the other; their duties are wholly distinct. Of course, if there were a great increase of business it would require some increase to the staff, but that would be a mere matter of numbers.

628. Mr. *Mowbray.*] Do you think that if the management of all the episcopal and capitular property in the kingdom were transferred on the 1st of January next to the Ecclesiastical Commission, the Commission would do its business with any increase of staff?—I think that such a sudden transfer would be so exceedingly undesirable that it is scarcely likely to be made.

629. Would it not be likely to create so much confusion that it would be impossible to overtake it?—It might cause very serious difficulty and inconvenience.

630. Mr. *Ingham.*] You have said, that in the case of the bishops' estates vested in the Commissioners, they occasionally abstain from renewing leases?—Yes.

631. How are the lessees dealt with when that occurs; is the offer made to them either of surrendering the lease upon terms or of enfranchisement?—The

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lessees usually, if they desire it, apply to the bishop either for sale or for purchase, and most of those cases come before the Commissioners under the provisions of the Church Estates Act.

632. You have stated the practice of the Commissioners, as I understand, as to estates now vested in them; that the Commissioners abstain from renewing leases?—The Commissioners abstain from renewing leases altogether on estates vested in them; they have never renewed any from the first appointment of the Commission.

633. Though they have abstained from renewing leases on estates vested in them, have the Commissioners, as a lay corporation, given an option to the lessees either to surrender on terms or to purchase the reversions?—That comes out in the Reports of the Commissioners; in the Report of this year you will see it. There is a list of all the enfranchisements which have taken place during the present year. There are numerous sales and purchases, occupying eight or ten pages, and there is one sheet giving those cases which have been refused.

634. Then I understand that in cases where the estates are vested in the Commissioners, the Commissioners do not let the leases run out without giving the lessee an opportunity of either selling or purchasing, if he is disposed to do so?—No; the lessees almost invariably apply, and are dealt with according to the circumstances of the case; there are very few of our lessees with whom we have failed to deal.

635. There has been no instance where you have said, we will run you out, and neither buy your term nor sell the reversion?—No. If the Commissioners refuse to sell the reversion they hold themselves ready to buy the household interest upon fair terms.

636. Mr. *Walpole.*] You are willing either to buy or to sell, provided the terms are reasonable?—Yes.

637. Lord *R. Cecil.*] I see in page 376 of the Appendix, it is stated by your agents, with respect to the Norwell Estate, "The reversions sold are 20, and extent 188 acres. It is desirable that the Commissioners should repossess themselves of some of these, should they come into the market." Have you any recollection of that transaction; that sale of reversion which it was desirable to recall?—I have not; that occurred before I was secretary; but I have no doubt that when Mr. Smith, the surveyor to the Commissioners, comes before you, he will be quite able to answer that question.

638. Sir *W. Heathcote.*] Will you refer to some questions of Mr. Ingham's, commencing at 313. Lord Chichester states, in his answer to the 317th question of that series, that a tenant proceeding to sell has the advantage given him of a supposed renewal?—Yes.

639. Will you look at the answer to which I refer, and see whether the operation is correctly stated; do the Commissioners, in fact, make up to more than the 21 years' lease, which is the only lease he would take; do they, in fact, in the case supposed, give him a renewal of seven years or of four years?—These calculations are not made by me; they are made by the valuer of the Commissioners, and I am not prepared distinctly to state what allowance they do make. The Commissioners adopt as their guide the Report of the Committee of the House of Lords, and the valuer will be able to explain to you the principle upon which they have acted.

640. Probably that gentleman will be in attendance?—He will be in attendance.

641. Mr. *Ingham.*] Is that Mr. Smith?—Yes.

642. In answer to Question 319, his Lordship distinctly says: "He is not obliged to go through the form of renewal, but his interest is computed as if he had renewed upon those terms"?—Yes.

643. Sir *J. Graham.*] In all these cases the Estates Committee proceed upon the report of their agent and actuary?—Entirely; they never act without.

644. And those reports are on record?—They are all recorded.

645. Mr. *Walpole.*] Is there anything else which you wish to state to the Committee?—I was directed at the outset of the inquiry to describe the working of the Commission, and I was prepared, if the Committee saw fit, to explain other purposes. I have only come so far down in my list as relates to the mode of administering the common fund. There are other duties of the Board; for instance, the territorial arrangements of dioceses. These have now been carried out almost entirely, and are to be found in the Reports of the Commissioners. They include the abolition of peculiar and exempt jurisdictions. In many dioceses, whole

whole parishes and districts were excluded from episcopal and archidiaconal jurisdiction. Those exemptions have been done away with, as also the jurisdiction which one bishop had in the diocese of another. All those have been abolished in almost all the dioceses.

646. Sir *J. Pakington.*] Under what powers have those changes been effected? —Under the powers in the Act of the 6th & 7th of William the Fourth, chapter 77; the Episcopal Act; that authorised the re-arrangement of dioceses and of archdeaconries and the abolition of peculiars, and also, as I have already explained, sanctioned augmentations by archbishops and bishops and chapters. Then there is the re-arrangement of episcopal patronage. The patronage of bishops was very unequal, and the Act of William the Fourth directs the Commissioners to rearrange the patronage so as to give to each bishop an amount proportionate to the "relative magnitude and importance" of his diocese.

647. Has that been generally effected?—It has been effected in the province of Canterbury, and a scheme is under consideration for effecting it in the province of York.

648. Has it been effected throughout the province of Canterbury?—It has.

649. Is it effected by a prospective arrangement, subject to existing interests, or is it at once carried out?—All bishops appointed after the passing of the Act of 1836 were liable to it. The arrangement which was made only a short time ago took effect as regarded all those bishops. There are only five bishops who are not subject to it; one of them is the Bishop of London, who immediately consented; and the other bishops have more or less consented.

650. Are there not cases at this moment in which the patronage of the Bishop of London interferes a good deal with the patronage of the adjacent dioceses?—I think not.

651. *Chairman.*] Has the Bishop of Winchester consented?—The Bishop of Winchester, I think, has not consented.

652. Sir *J. Graham.*] Has the Bishop of Rochester consented?—Yes.

653. *Chairman.*] Will you proceed with any statement which you have to make?—It was wished that the patronage should be so arranged that each bishop should have his patronage within his own diocese, but the due apportionment of the patronage rendered that impossible in a great number of cases, and an Act was passed, the 16th & 17th Victoria, chapter 50, which authorises archbishops and bishops, through the instrumentality of the Ecclesiastical Commissioners, to effect exchanges with the Crown and other persons, with a view to effecting that more complete arrangement.

654. Sir *G. Grey.*] Does that arrangement include the new sees, so as to assign a certain patronage to Manchester and Ripon?—Yes.

655. Sir *J. Graham.*] That has been done, has it not?—No; the province of York has not been yet dealt with.

656. Sir *G. Grey.*] Is there any patronage now attached to the See of Manchester?—There are some Peel districts; there is scarcely any patronage belonging to the Bishop of Manchester; no patronage of any importance.

657. Sir *J. Graham.*] A scheme is in progress for the province of York similar to that which has been effected in the province of Canterbury?—It is.

658. *Chairman.*] The Commissioners have not power with respect to any patronage of the Archbishop of York, I suppose?—They have; every one but the Bishops of London, Winchester, Bangor, Exeter, and Gloucester and Bristol. The Commissioners have also the re-arrangement of archdeaconries, and the endowment of them, and the foundation and endowment of new archdeaconries. There are various modes of endowment of archdeaconries contemplated by the Cathedral Act, either by grants out of the common fund or by the annexation of canonries, or by the annexation of benefices. The Commissioners have endowed 12 by the annexation of canonries, 2 by the annexation of benefices, and about 36 out of the common fund.

659. Sir *J. Graham.*] There is a maximum of that endowment to be taken out of the common fund, is there not?—That endowment out of the common fund is not to exceed in the whole, including the income already possessed by the archdeacon, 200*l.* per annum; the Commissioners are to raise it to 200*l.* a year.

660. Lord *R. Grosvenor.*] That is what he may have?—Yes.

661. So that, in point of fact, if he had a living beneficed to the amount of 100*l.* a year, he would only have 100*l.* a year out of the common fund?—Not so; *qua*

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archdeacon he is to be endowed to the extent of 200 *l.* a year, without reference to any living which he may have.

662. Sir *G. Grey.*] What are the two cases in which endowments have been made out of benefices?—Lindisfarn and Nottingham.

663. Will you state the reason why the exception was made in those two cases?—I am not prepared to say. The Cathedral Act, I think, provides that the archdeaconry of Nottingham shall be endowed with the rectory of Southwell.

664. Then, in that case, the discretion was not in the Board, but it was done by the Act of Parliament?—Yes; the archdeaconry of Lindisfarn was endowed by the annexation of the living of Eglingham, at the suggestion, I think, of the bishop of the diocese.

665. Are you aware whether a memorial has lately been presented from the archdeacon, complaining of the inconvenience of that arrangement, the parish being a very extensive one, and his duties as archdeacon necessarily taking him away from the parish?—I remember that memorial.

666. Do you know what steps were taken with regard to that memorial?—It was brought before the Board, but they felt that they had no power to interfere.

667. Then is that a case where the arrangement having been once made, there is no power of revision in the Commissioners?—There is no power of revision in the Commissioners.

668. Mr. *Walpole.*] Would there be no power at the death of the present archdeacon?—It is thought not.

669. Sir *G. Grey.*] Is it not the case that the archdeacon in this instance is the person applying for the change; therefore, his vested interest would not stand in the way of immediate alteration if the power rested in the Commissioners?—Just so.

670. *Chairman.*] Have you anything further to state with respect to the duties of the Commission?—They also comprise the regulation of the incomes of deans and chapters, with the provision and maintenance of decanal and canonical houses of residence. Some of the Acts of the Commissioners authorise deans and canons where their houses are out of repair, to raise moneys on mortgage of their dignities, on the same principle that benefices are authorised under Gilbert's Act, to raise money on mortgage or loan from Queen Anne's Bounty. Several mortgages of that sort have been sanctioned, and that is found to work very well. Then the Commissioners are also authorised to sanction the provision of canonical substitutes. Where a chapter has been reduced in numbers, the Commissioners are empowered to authorise the appointment of some person to take the additional duty which would be cast on any of the pre-existing members of chapter, and to sanction the payment. Such persons have been appointed in many instances, and the remuneration has been at the rate of 50 *l.* a month.

671. Has anything been done with regard to the houses of suspended canonries?—With regard to the houses of suspended canonries, they are disposed of by the chapter by a scheme to be submitted by them to the Ecclesiastical Commissioners.

672. Mr. *Ingham.*] Are you aware whether in the case of the suspended canonries of Durham any of the residences have been disposed of?—I think as nearly as I can remember, we have never had any application from the Dean and Chapter of Durham as to their residences.

673. There have been two suspended canonries?—There are more than two suspended canonries.

674. Lord *R. Grosvenor,*] What becomes of the revenue produced by the suspended canons' houses?—The chapters appropriate the houses as they see fit; they ought to have the sanction of the Ecclesiastical Commissioners.

675. Whatever proceeds come either from the letting of a house, or from pulling it down, and appropriating the site to some other purpose, supposing any revenue to arise, does that go to the general fund, and is it accounted for by the Commissioners?—I presume it to go into the general fund of the chapter, and to be divided.

676. It would be subject to the same provisions as any other property?—I presume so.

677. Sir *J. Graham.*] Would it appear in their annual account, to which you have constant access?—We have had some little difficulty with regard to the chapter accounts; I have a return, which I will put in, relative to chapter revenues; the correspondence arose in the case of the Chapter of Westminster; the

the Commissioners were permitted to inspect the accounts of the Chapter of Westminster, and they were found to be kept in a way which was not very intelligible, and upon this being represented to the chapter, they proposed a new system of accounts, which was exceedingly simple; it was merely that all the receipts should be put on one side of the account, and all the payments on the other; that a balance should be struck, and that balance divided; that is as simple a form of account as can possibly be; it was perfectly satisfactory to the Commissioners, and they immediately had it put into print, and sent copies of it with a circular letter to all the chapters. I have, as was directed by the Committee, a copy of that circular, a copy of the account, and a copy of the answers of all the chapters, which I now put in.

Vide Appendix, page 226.

678. You say that the Commission were permitted to have access to the accounts. Do not the Commission claim access, as of right they being participators in the fund as trustees?—The Commissioners are advised, that as participators in the fund, they are entitled to object to payments which they do not think should be made. That is a question which has been discussed on some few occasions between the Commissioners and the chapters, but no definitive conclusion has been arrived at, it is understood by the Commissioners that they have the power to proceed by a Bill in Chancery, but they have never resorted to that extreme measure.

679. Though the Commission have not proceeded to that extreme, they have never waived their claim of right, or sought permission as a matter of favour?—If the chapters were willing to allow us to inspect their accounts, we have never desired to press those points very closely so as to make it at all offensive. I have a return of the correspondence which has taken place between the Commissioners and the Chapter of Durham upon this very point.

680. Mr. *G. Butt.*] You were advised, I presume, that the Commissioners had a right to examine the accounts?—Yes.

681. Have they had occasion in any case to assert that right, to examine the accounts of the chapter?—They have never made a formal assertion of the right, but in communicating with the chapters, the view has been expressed, that the Commissioners were entitled to inspect, and to have a control over the expenditure, as will appear by the return, which I have put in, respecting the Chapter of Durham, which was asked for at the last meeting of the Committee.

Vide Appendix, page 250.

682. When the Commissioners have asserted the right in that manner, has it been in any way denied or questioned by the chapters, or any of them?—It is rather evaded than denied. The Commissioners have been asked upon what grounds they claim the right. The question is still somewhat open, and requires settlement.

683. But as there can be no doubt of the right of the Commissioners to have access to, and to investigate the accounts, have they not, in answer to this doubt, expressed on behalf of the chapter, insisted upon their right to do so?—There has never been a refusal on the part of the chapter, that I am aware of, to allow the Commissioners to inspect the accounts; but the inspection is of very little use by itself.

684. I said "inspection" and "examination," expressly?—Yes; but that is of very little use, if, when the Commissioners protest against any particular payment there is no means of obtaining redress from the chapter without going to the Court of Chancery. There are chapters with which the Commissioners have been in communication; the Commissioners object to some items, and the chapters go on making the same sort of payments, and we have no redress without going to the Court of Chancery, which the Commissioners have not hitherto thought it expedient to do.

685. Sir *J. Graham.*] There was some difficulty in arriving at an understanding with the Chapter of Westminster, but happily, after communication, misunderstanding ceased, and there is now an adjustment, which is quite satisfactory?—Precisely so.

686. So satisfactory that the Commissioners have recommended a similar arrangement to other chapters?—Exactly so.

687. *Chairman.*] But supposing any payment to be made by the Chapter of Westminster, to which the Ecclesiastical Commissioners objected, then the question would again arise?—It would; but the Commissioners had a meeting with one or two of the members of chapter, and the sort of expenditure which the Commissioners thought the chapter might fairly make was arranged; the chapter now

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keep entirely to that arrangement, and the whole thing goes on as smoothly and as satisfactorily as can possibly be desired.

688. Mr. *G. Butt.*] From the result of your experience with respect to this question, do you think it would be advisable that there should be some legislation to make this matter clear?—I think that it is a question which ought not to be left in its present position; and I wish that the other chapters would follow the example which has been set them by the Chapter of Westminster.

689. Seeing the difficulties which have arisen in getting access to the accounts of the chapters, and learning the manner in which they have expended their money, so as to ascertain whether the expenditure has been right and proper, is it your opinion that it is desirable that there should be some legislation to prevent those difficulties from occurring in future?—It is.

690. Sir *J. Graham.*] The proportion of the interest of the Commission in the chapter properties generally is progressively increasing by the avoidance of the stalls?—It is.

691. Therefore, the interest of the common fund in the matter is constantly becoming greater?—It is.

692. And the check, whatever it may be, which, if not doubtful, is insufficient, is not in proportion to the increased interest of the common fund?—I think it is not.

693. Lord *R. Grosvenor.*] From what you have seen of the accounts of the different chapters, do you think it advisable that in any legislation upon this subject the Commissioners should have the absolute power of disallowing expenditure which they disapprove of?—I think that some of the items are of a character which could be so easily got rid of, that it would not be difficult to define the class of payments which should be considered as legitimate outgoings before division.

694. Do you think that the Commissioners should have the absolute power of disallowing expenses to which they object?—No. I think that it should be determined what are and what are not proper items of expenditure for a chapter, and then that the Commissioners should be able to insist upon those items being adhered to.

695. Who is to determine that; is it to be determined by legislation, or is it to be determined by agreement between the chapters and the Commission?—I think that it would not be difficult to legislate on it. I will give you an instance. In a certain chapter, which I need not name, it is the practice to divide all their money closely as it comes in, so that they have no money in hand for current expenses. They then go to their banker and borrow money, for which he charges them 5 per cent., and we are charged in the account 5 per cent. for the money which they have borrowed in that way.

696. Sir *J. Graham.*] In another chapter, which shall also be nameless, was there not a pension granted to the widow of a former member of the chapter?—Yes; there have been several pensions of that sort.

697. Mr. *Walpole.*] Were they all in the same chapter?—No, I think not; in another chapter there is a charge for a piece of plate, presented to a late officer of the chapter, to the amount of 70*l.*, 80*l.*, or 90*l.*

698. Sir *J. Graham.*] That case of pensions is not confined to one chapter?—I think not.

699. And, *pro tanto*, rateably the common fund contributes to those pensions?—Precisely so.

700. A fund which would be available either for augmentation or for endowment?—Precisely so.

701. Mr. *G. Butt.*] And the same as to the charge for interest?—Yes.

702. *Chairman.*] Are you of opinion that the payments which should be made by the chapter should be defined by law, or that the Commissioners should have the power to disallow charges which they think improper?—I think that it would not be difficult to define the class of payments which should be considered capitular payments.

703. Mr. *Walpole.*] Probably you would think that the Legislature ought to lay down general rules as to the classes of payments which should be allowed, that those payments should be allowed with the consent of the Commissioners, and that in other cases, without such consent, the payment should not be allowed?—Exactly.

704. Mr. *G. Butt.*] That is doing the same as the Court of Chancery would do,

do, supposing you to be obliged to resort to the Court for a Bill, calling for an accouut and an examination of the expenses of the chapter?—Precisely so.

705. Sir *J. Graham.*] You have no power, or at least if you have the power, it is not admitted by all chapters, to have an annual account presented in a plain intelligible form; by which you arrived at an understanding with the Chapter of Westminster?—We have not been able to procure that from all the chapters; some send very fair accounts, such as are satisfactory, though not precisely in that form, still they are such as we can understand.

706. Then with respect to some chapters, you have difficulty with regard to inspection, and also, what is still more important, you have not the annual accounts rendered in a form which would enable the Commissioners to judge with respect to the receipt and expenditure, to which receipt and expenditure they are parties as Trustees?—We have never been refused inspection, but the accounts which are sent are often so complicated that without an immense deal of correspondence we cannot discover whether the balance is correct or not. The mode of keeping accounts in some chapters is most complicated. They have a number of different accounts, some of which they divide immediately they get the money; some they appropriate primarily to one particular purpose, and then divide the surplus, if there be any, and if not, the deficiency is carried over to the next year, although the chapter have a general surplus.

707. Are there any cases where the Commissioners are by the avoidance of the dignities in possession of a moiety, or more than a moiety of the fund?—In the Chapter of Durham I should think the Commissioners will be entitled to considerably more than a moiety; they are not at this moment, but they will be eventually entitled to more than a moiety of the chapter.

708. Then, as the law now stands, when the Commissioners shall be in the position of being entitled to more than a moiety, they will have the difficulty with respect to the accounts which you have stated?—The same difficulty arises now, and will continue.

709. Unless there be a change in the law?—Unless there be a change in the law.

710. Mr. *G. Butt.*] In the cases to which you have referred, where the accounts sent in have been insufficient or unsatisfactory, have the Commissioners required that an officer on their part should look at the books, and ascertain by vouchers and otherwise the correctness of the items on both sides of the account, so as to be able to make out an intelligible account, debtor and creditor, for the information of the Commissioners?—The Commissioners have frequently sent their officers to inspect chapter accounts, with a view to ascertaining how the balance has been arrived at, and after a great deal of trouble it has generally been found to be tolerably accurate. We occasionally find errors, but I do not think that they are intentional errors. They are clerical errors. I think that it arises frequently from the complicated form in which they keep their accounts.

711. Mr. *J. A. Smith.*] Have you reason to believe that any of the pensions to which you have alluded have been granted since the period when the Ecclesiastical Commissioners became interested in the chapter fund?—I think they have.

712. Mr. *Mowbray.*] With reference to the correspondence with the Chapter of Durham, I believe the difference there arose not with respect to any such question occurring as you have alluded to, as to a pension or a piece of plate, but with respect to subscriptions on the part of the chapter to three local charities which were disallowed?—I am only speaking from memory, but I think that in the first instance the chapter were merely asked their views upon those three items. The Commissioners received no satisfactory answer, and when the next account came in there were other items to which the Commissioners objected, but it was thought that they had better have a settlement of the three which had been mentioned in the previous year, before they went to the next year's account, and a communication was made to the Chapter of Durham upon the subject. It resulted, I think (but the correspondence will show), in the Commissioners not objecting to those three sums. The correspondence will be put in, and will show that. Then in the next year there were other items in the account which seemed to the Commissioners to be objectionable, and upon that account a long correspondence has ensued which has not come to any satisfactory conclusion.

Vide Appendix, page 250.

713. Sir *J. Pakington.*] What is the law with regard to the disposal of houses attached to stalls which have been suspended?—They are to be disposed of by the

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chapter, according to a scheme to be laid by them before the Ecclesiastical Commissioners, and approved by them and by the visitor. A case occurred in the Chapter of Winchester lately, in which they proposed to the Commissioners to take down one of the houses, and the Commissioners, before they consented to the taking down of the house, had an inspection of the cathedral precincts, to see how the precincts would be benefited by it. It was proposed to annex the garden belonging to this house to the dean's garden. Upon the inspection made by the authority of the Commissioners, it appeared that there was a portion of the dean's garden which it would be a great improvement to throw into the Close, and the Commissioners gave their consent to the taking down of the house, which was no longer wanted, and to the annexation of the garden to the deanery, on condition that the dean gave up a portion of his own garden, to be thrown into the cathedral precincts, for the improvement of the precincts, and that was carried out. I merely instance that to show the way in which the Commissioners exercise their control.

714. *Chairman.*] With respect to the ecclesiastical jurisdictions of the different bishops, have those jurisdictions ever been arranged according to the new arrangement of the sees?—The Acts of the Commissioners do not interfere with the Ecclesiastical Courts; they remain in *statu quo.* The Act, as originally passed, did contemplate the alteration of the Ecclesiastical Courts, but there have been Acts of Parliament passed from time to time suspending the operation of those clauses; therefore, in fact, they have never interfered with the jurisdiction of the Ecclesiastical Courts.

715. Sir *J. Graham.*] That is met by an annual Act suspending the operation, is it not?—Yes, suspending the operation of the clauses in the Act of the 6th & 7th of William the Fourth.

716. With the avowed view of considering the question of the Ecclesiastical Courts and the ecclesiastical jurisdiction?—Until the adopton of some general measure dealing with the Ecclesiastical Courts.

717. Mr. *E. Denison.*] The other day I requested the production of some returns of certain expenses incurred in the management of the estate in the parish of Norwell?—Yes.

718. Those papers, I think, have been put in?—They have.

719. I have not had time to examine them; are they complete according to the returns asked for?—They contain the whole of the correspondence and reports upon that matter; also the costs of the solicitors and surveyors.

720. Besides the returns which I asked for, you have put in some papers of your own relating to the transaction of the enfranchisement of two small farms of mine?—I think they were put in by Lord Chichester.

721. They were not asked for in my return?—They were not included in that return which you asked for.

722. Therefore, I suppose, that in putting them in you invite the attention of the Committee to that transaction as one which will be deserving of examination. I only want to know the reason why that is put in rather than any other?—The estate which was the subject of that correspondence was in the parish of Norwell, and therefore was in fact cognate to, and part of the subject.

723. I suppose somebody has had the examination of the papers; are the papers put in in what you consider a complete form, giving an entire account of the transaction?—Of all the correspondence as it appears upon the files of the Commissioners.

724. Do you mean that there are no other papers which appear upon the file of the Commissioners relating to that transaction?—If any papers are supposed to be omitted, if I can have the names of them I will endeavour to supply them. I believe that that is an honest return of the file of the Commissioners.

725. Then you believe that the papers which are printed here give a complete account of that transaction?—I have been too much occupied to go through those papers myself; but I believe that that is a copy of the whole correspondence.

726. At the next meeting, will you be so good as to bring to the Committee the file containing the papers of that transaction?—I will do so.

Martis, 11° *die Martii*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir George Grey.	Mr. Evelyn Denison.
Sir John Pakington.	Sir William Heathcote.
Marquis of Blandford.	Mr. J. A. Smith.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. Mowbray.
Mr. Ingham.	Mr. Walpole.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

James Jell Chalk, Esq., called in; and further Examined.

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727. *Chairman.*] DO you wish to make any further explanation?—I wish to be permitted to correct the answer which I made on Friday last to Question 672. Mr. Ingham asked me, "Are you aware whether, in the case of the suspended canonries of Durham, any of the residencies have been disposed of?" and my answer was, "I think, as nearly as I can remember, we have never had any application from the Dean and Chapter of Durham as to their residences." On searching the files in the office, I find that there is a file which shows that two applications came from the Chapter of Durham, and that they were carried out in the regular way. It was eight years ago, and had escaped my memory.

728. Mr. *Mowbray.*] I believe the houses were pulled down in the regular way, with the sanction of the Ecclesiastical Commissioners and the bishop of the diocese?—They were. With regard to the file of papers relating to Mr. Denison's case, I find that the papers which have been put in are a correct transcript of that file, and that the only papers which have been omitted were some letters which were of a private nature. The principal one was a copy of a letter from Mr. Lefevre to Mr. Denison, which Mr. Lefevre sent to the Commissioners, and which on the back has this memorandum: "This is a private letter from myself to Mr. Denison, and not a Board paper. It may be convenient, however, to keep it with the file." That is Mr. Lefevre's memorandum on the back. If it be Mr. Denison's wish that that paper should be put in, I have Mr. Lefevre's authority to say that he has no objection.

729. Mr. *Mowbray.*] In addition to the other cases of spiritual destitution arising within the diocese of Durham, brought before the notice of the Ecclesiastical Commissioners, will you produce the correspondence relating to the parish of St. Margaret, in the city of Durham?—Yes. Will you allow me to ask you what is the case of Shotley Bridge, of which you gave me a memorandum. I have no file relating to Shotley Bridge. There is no such place in the clergy list; it probably has some other name. *See* Question 1218.

730. It is very near Durham?—I cannot find it under the head of Shotley Bridge.

Edmund James Smith, Esq., called in; and Examined.

E. J. Smith, Esq.

731. *Chairman.*] WERE you a witness examined before the Committee of the House of Lords, upon the Church Estates Management Bill?—I was.

732. Did you place before the Committee some suggestions for the substitution of a plan of enfranchisement for the arrangements of that Bill?—I did.

733. Can you state generally the arrangements that were proposed in that Bill?—The arrangements proposed in that Bill were, to impose upon the whole of the estates of the Church a permanent charge, which charge, although permanent, was to be varied periodically, and was also to be of a different amount, according to the district in which the property might happen to lie.

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734. Did not that Bill contemplate in any case complete enfranchisement?—It did not contemplate complete enfranchisement except in exceptional cases. The foundation and principle of the Bill indubitably was the raising a rentcharge on the property.

735. Will you state what your suggestions were?—My suggestions were for the substitution of enfranchisement for the imposition of a rentcharge.

736. Did the Committee of the House of Lords approve of your suggestions?—The Committee of the House of Lords made a Report which was very much in accordance with my suggestions.

737. Did they advise the passing of a permissive Act?—Yes, and they set out in their Report in considerable detail, the reasons against the imposition of a rentcharge, and in favour of enfranchisement. The date of the Report is June 1851.

738. Did an Act pass in the same year upon the subject?—An Act passed immediately afterwards.

739. In that Act were the three Church Estates Commissioners constituted a separate Board, for the purpose of sanctioning agreements for enfranchisement voluntarily made with ecclesiastical corporations?—They were.

740. Lord Chichester has stated that the Estates Committee of the Ecclesiastical Commission determined to deal with the estates of that commission on the principles laid down in the Report of the Committee of the House of Lords. Did you attend the meetings of the Estates Committee?—I attended all the subsequent meetings of the Estates Committee.

741. In what manner do you think that the principles so laid down have worked in practice?—I think that the number of cases carried through, is of itself a conclusive proof that they have worked satisfactorily.

742. In what manner do you mean satisfactorily?—I am certain that the lessees of the Church Estates have as a whole been satisfied with the terms, and scarcely a day passes in which the lessees of those corporations who have declined to proceed do not express their desire that those corporations should go on.

743. Do you think that the interests of the Church have been at the same time sufficiently guarded?—I think that the terms obtained are so far beyond the terms which would have been obtained under the other Report, that the interests of the Church have been guarded as far as it could be done.

744. Will you state the leading differences between the terms proposed in the Bill submitted to the House of Lord, and the recommendations which have been acted upon?—The simplest mode will be to show them in the same shape in which I showed them in my evidence before the House of Lords. The Report of the Episcopal and Capitular Revenues Commission stated, that for every 100 *l.* appertaining to the Church, on which there was an outstanding term of 14 years, the true interest of the Church was 63 *l.*; and proposed that for that 63 *l.*, three other sums, varying according to the districts in which the property might be situated, should be substituted; 48 *l.*, 44 *l.*, and 37 *l.* 13 *s.* 4 *d.* But, under the recommendations of the Committee of the House of Lords, in substitution of the 48 *l.*, the sums obtained by the Church are equal to 57 *l.*, and, instead of the 44 *l.*, and the 37 *l.* 13 *s.* 4 *d.*, they are equal to 55 *l.*

745. Mr. *Walpole.*] Then a larger sum is obtained for the Church under the regulations made by the Committee than that which had been proposed under the Bill?—For every 100 *l.* appertaining to the Church, there is obtained in excess the difference between either 48 *l.* and 57 *l.*, or between 44 *l.* and 37 *l.* 13 *s.* 4 *d.*, and 55 *l.*

746. *Chairman.*] The sums so obtained have been laid out in land, have they not?—Some of them have.

747. In what other manner have they been laid out?—On the sale of an estate the proceeds in the first instance go into stock, and then are laid out gradually as opportunities occur.

748. Did the Church obtain that increase which it would have obtained under the Bill which was in the House of Lords, by the increase of the rentcharges from time to time?—The increase on the estates, purchased with the proceeds of the sales, is certainly fully equal to the increase obtainable on the rentcharge proposed to be imposed.

749. Having applied these principles to a large extent of Church estates, are you of opinion that that they could be applied with advantage to the rest of the Church property?—I have no doubt that they could be applied with equal advantage to the rest of the Church property.

750. You

750. You mean that the terms would be satisfactory to the lessees, and at the same time, upon the whole, advantageous to the interests of the Church?—The terms have been satisfactory to the lessees, because almost all the lessees who have had the opportunity of enfranchising have embraced it, and they are satisfactory to the Church, because they are so much higher than the terms which would otherwise have been obtained.

751. Mr. *Walpole.*] I understood you to say, just now, that where there were 14 years to run, the value of the property was estimated at 63 per cent.?—It is so stated in the Report of the Episcopal and Capitular Revenues Commission, and that statement is accurate.

752. But the value which has been put upon it is 57?—It has been 57 and 55.

753. Will you have the goodness to explain the reason of that apparent difference between the value which was estimated at first, and the value which has been put upon it since?—The difference between 63 and 57, and between 63 and 55, is an advantage obtained by the Church lessees in consideration of their custom of renewal.

754. *Chairman.*] Who were the members of that Commission on Episcopal and Capitular Estates?—The Earl of Harrowby was the chief; the acting member on behalf of the Church was Mr. Jones, who, you may remember, was a Tithe Commissioner, and afterwards a Charity Commissioner.

755. Sir *G. Grey.*] Will you read all the names of the Commissioners?—The Earl of Harrowby, the Dean of Canterbury, Sir William Page Wood, Mr. Armstrong, at that time M. P. for Lancaster, Mr. Lefevre, and Mr. Jones.

756. *Chairman.*] The aggregate value of the property belonging to the ecclesiastical corporations has been assumed at from 30,000,000 *l.* to 35,000,000 *l.*, in fee-simple. Have you any opinion upon that point?—I should suppose that the property of the corporations must certainly be as great as the higher of those two amounts.

757. You see no reason to doubt that it is as much as 35,000,000 *l.*?—I think it could be shown that it is as much, certainly.

758. Mr. *Walpole.*] You mean by the aggregate value of the property belonging to ecclesiastical corporations, I imagine, the aggregate value of that which belongs to aggregate corporations, but not that which belongs to corporations sole?—I include the bishops and chapters, and the separate estates of the deans and prebendaries.

759. You do not include the value of rectories?—Of course not; it would then be very much beyond that.

760. *Chairman.*] What proportion of the amount which you have stated represents the actual value of the interest of the lessees?—It would somewhat exceed a half at any given period.

761. Mr. *Walpole.*] We may take it, then, as between 17,000,000 *l.* and 18,000,000 *l.*?—Yes; if you take it as 18,000,000 *l.* you will be nearer the mark.

762. *Chairman.*] Do you mean the actual value of their interest, without taking into account the expectation from the customary renewal, or with that expectation?—I am assuming it according to the recommendations of the Lords' Report; according to the practice now adopted.

763. Mr. *Walpole.*] Then, if arrangements were made with them upon that by hypothesis, the lessees would get 18,000,000 *l.* for their interest in the Church property?—Yes. At the same time, of course, hardly any case is upon the average.

764. I asked you as to the whole?—Upon the whole it is so.

765. *Chairman.*] Have you made any calculation of what proportion is required to provide the permanent incomes of bishops and of chapters, and the sustentation of cathedral services?—The incomes of the different bishops are settled. I have no doubt that it would take about half of the remainder, namely, one-fourth of the whole, to provide the permanent incomes of the bishops and chapters as they are settled now under existing Acts and the sustentation of the cathedral services; it would be rather over one-fourth of the whole. I must add, that the sees and chapters have some income from other sources, and I take that into account.

766. Then what do you reckon would be the remainder applicable to other

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purposes?—In that case there would be something less than one-fourth remaining; you might call it 250,000 *l.* a year.

767. Lord *R. Cecil.*] Do you include the sustentation of fabrics and the maintenance of cathedral services?—Yes.

768. *Chairman.*] Am I to understand you, that the amount applicable to other purposes may be taken as equivalent to 250,000 *l.* a year in present money, and that if the leases were run out and the whole property were brought into possession, this sum would be considerably increased?—In that case it would ultimately reach three times that amount. If the lessees' interest is rather more than a half, it would make up an aggregate of 750,000 *l.* a year, or something of that sort, if it were all brought into possession.

769. Of course it would then be necessary to supply the incomes of the bishops and of the deans and chapters from other sources if the leases were run out?—Of course; that would be a charge according to the estimate which I have given of the permanent incomes of the sees and the chapters.

770. Sir *J. Graham.*] When you state that 250,000 *l.* a year would be the ultimate available sum, you assume that the number of canons, as now fixed by Act of Parliament, remains undiminished?—Exactly so.

771. *Chairman.*] What increase of the amount disposable for church extension is the result of the substitution of the recommendations of the House of Lords for the arrangement proposed by the Report of the Episcopal and Capitular Revenues Commission?—It is equal to the difference between the 48 *l.* and the 57 *l.*, and between the 44*l.* and 37*l.* 13*s.* 4*d.*, and the 55 *l.*, over the whole acreage of the Church, and it could not be estimated under 60,000 *l.* a year.

772. Mr. *Walpole.*] By the substituted plan you gain for the Church 60,000 *l.* a year?—Yes.

773. *Chairman.*] In what proportion do you conceive the aggregate amount of 35,000,000 *l.* to be divided between lands, tithes, and other species of property?—There should be about two-thirds in acres, and the other one-third in tithes and other property. An estimate of the whole cannot be extremely correct, but the division would be in that proportion.

774. Are you speaking of what is the case at present?—I am speaking of it as it stood at the time of the recommendations of the House of Lords; I exclude the transactions which have since occurred.

775. Can you distinguish the amount of tithe rentcharge?—About 680,000 *l.* per annum is the gross tithe rentcharge of the bishops and chapters, and of the separate estates of the deans and prebendaries.

776. How do you divide it between the bishops and chapters, and the prebendal separate estates?—Of the gross rentcharge about 190,000 *l.* belongs to the bishops, 310,000 *l.* to the chapters, and 180,000 *l.* to the deans and prebendaries; but as this is gross rentcharge it would give you a very inaccurate idea of the value. It is subject to parochial rates and assessments, which other rental is not subject to; and also to the particular charge with which almost all these rentcharges are charged, namely, stipends to incumbents; consequently the actual income derivable from that 680,000 *l.* cannot be taken at more than 400,000 *l.* a year.

777. Mr. *Walpole.*] The net income then would be 400,000 *l.*?—Yes. In the case of tithes the gross rentcharge of tithes includes, as the Committee know, the parochial rates and assessments.

778. *Chairman.*] Would it be correct to say, therefore, that the bishops' tithe rentcharge would be 112,000 *l.*, the chapters' 182,000*l.*, and the separate estates 106,000*l.*?—It would be in that proportion.

779. Mr. *Walpole.*] Have you deducted the cost of collection, or not?—Yes, the deduction would include agency; the 400,000 *l.* is clear of everything, including the cost of collection; it is net revenue.

780. *Chairman.*] Those sums which are derived from tithe rentcharge are the subject of local claims when the Commissioners have to distribute sums which are in their own possession?—Certainly.

781. With what view were you directed to attend the meetings of the Estates Committee?—The Estates Committee determined to try whether they could carry out the recommendations of the House of Lords, and they chose to do me the honour of consulting me as to the details, in order that they might ascertain whether it could be done, whether this excess could be obtained for Church purposes

poses. I was also directed to have in view the state, at that time, of the common fund of the Commission.

782. Have the Estates Committee in no case acted upon the Report of the Commissioners to which we have adverted?—Not in any case, and I do not think that they have been asked to act upon it more than in a single case or two.

783. If they had not been able to carry into effect the recommendations of the Lords' Committee, would they have been obliged to adopt some course that would have been less productive to the common fund?—In the position in which they stood at that time I think they must have done so.

784. Had they then to attempt to attain two objects, one relating to the terms of dealing with the lessees, the other to the restoration of the balance between the receipts and the grants out of the common fund?—Yes; they had each of those duties imposed upon them, and it was necessary to take such a course of action as would secure them in both respects.

785. When did they commence their experiment, and when did they come to the opinion that it was likely to prove successful?—The first sitting which I attended was in September 1851, after the passing of the Act, and I think they became satisfied that they should be able to carry out the sales on the recommendations of the Lords' Committee by the conclusion of the next year. The annual reports are made at the end of October in each year, and I think you will find in the annual report, which states the transactions to the 31st of October 1852, that the Commissioners state their confident expectation that they shall be able to carry on the transactions on this basis.

786. Have you reason to suppose that they will be able still to continue to carry on the transactions on that basis?—I have not a shadow of doubt upon the subject.

787. You do not think that the cases in which the transactions have taken place were simply those in which the lessees, for some reason or other, were particularly anxious to obtain enfranchisement?—If there had been a few cases, such an argument might have been maintained; but the number of cases, I think, sufficiently refutes any such notion; and I know that the grievance of lessees holding under corporations who have refused to deal is precisely that those corporations refuse to deal.

788. After the first successful step, what was the next step taken by the Committee in order to carry into effect the recommendations of the Committee of the House of Lords?—The Committee next agreed to effect commutations of chapter estates, and with that view effected an arrangement with the Chapters of Carlisle and York. They have since effected other commutations; they have since effected the commutations of the Chapter of Peterborough and the Chapter of Gloucester; they have also carried out a commutation with the Chapter of Chester; but this last does not stand quite in the same situation as the others, because they were previously paying 3,000 *l.* per annum to that chapter under one of the previous Acts, and, consequently, that case was rather a matter of convenience than a matter of pecuniary arrangement.

789. Are you aware that the income of the Canons of Chester was increased by one of the previous Acts of Parliament?—It had been so increased.

790. Does the Return put in as to the Chapter of York give a fair account of the mode in which such commutations have been effected?—It has been put in expressly for the purpose of showing the whole progress of a commutation. That was the first effected; it was effected in the autumn of 1852; and at the end of the first three years the Commissioners were in a position to offer to the chapter the permanent estate in possession, which they had undertaken to give to the chapter as soon as they could.

791. Do you think that similar arrangements are likely to be effected with other chapters besides those you have mentioned?—Certainly. Other applications are made, from time to time, and I have no doubt that they will continue to be so made.

792. Did not the Estates Committee find some difficulty in furnishing the funds necessary for the payments to the chapters in the first instance?—No such difficulty has been found, because the commutations have always been agreed to, having in view the state of the Commissioners' funds.

793. But is the state of the funds such as to enable them to make arrangements with all the other chapters?—The change which has taken place between

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this period and 1852 has been, that, whereas at that time there was a very considerable excess of expenditure over the receipts, the report just presented states that at the end of the current year the balance will probably be the other way.

794. Have not the Ecclesiastical Commissioners had to consider the augmentations to which they have been already in some degree pledged, whenever they should have income sufficient for the purpose?—Most certainly.

795. Did that cause a delay in the arrangements with the chapters?—No, I do not see that. I think that the operations with the chapters would proceed as they have heretofore done, without necessarily interfering with the augmentation to cures.

796. Can you state the mode in which leasehold applications are dealt with by the Estates Committee?—When an application is sent up for sale, it is referred to the surveyors to report upon it, and name the price to be required; then that price is sent down to the applicant, and if he is dissatisfied, and says it is too high, he is requested to send up the reason for his opinion.

797. Mr. *E. Denison.*] Do you mean for sale to the lessee?—For sale to the lessee. Perhaps it will simplify the matter if you refer to the course taken in Mr. Denison's own case, which I think is before the Committee.

798. Mr. *Walpole.*] In which page of the Appendix is that case?—Page 365.

799. *Chairman.*] Do you wish to state that case?—No; I only refer to it, because it shows precisely the course taken in applications of a similar nature.

800. If an applicant wishes, therefore, to buy, the Estates Committee state to him the price at which they will sell?—Yes, they always have exercised as the owners of the property, their own discretion, whether it should be sold or not be sold; and if there were any particular exceptional reason, they would decline the sale; but, in that case, they would at the same time offer to purchase his leasehold interest.

801. Do you consider that the Estates Committee are bound in such a case by the Act of Parliament either to sell or to purchase?—No, I do not know of anything in any Act of Parliament which is at all compulsory upon them in any respect; it has been perfectly optional with them either to sell, or to purchase, or to adopt any course which they might see fit to take. But I am speaking of the actual practice of the Board.

802. Has it been always the practice of the Estates Committee when they have declined to sell, to offer to purchase?—Always.

803. If the applicant considers that the price is too high, what course is taken?—In that case he is requested to send up the grounds of his opinion, and the Commissioners in practice refer it to their surveyors to send in a report on the report of the surveyor of the applicant, and then the Estates Committee consider those two reports, and act accordingly.

804. Supposing the dean and chapter wish to sell a leasehold interest, and apply to the Estates Committee for that purpose, what course is taken?—In that case the application is referred just in the same way to their surveyors, and their surveyors make a report on the application, stating whether the purchase be desirable or be undesirable; but I should state that the cases are very few in which the deans and chapters themselves hold the leasehold interest, which is the case your Lordship is supposing.

805. Have such cases occurred?—Yes, such cases have occurred.

806. Can you mention any such case which has occured in which they have wished to sell?—There have been two cases in the Exeter Chapter, in which the existing members of chapter gave up their interest against the Church. I should state, that in those cases it is not the dean and chapter who hold the leasehold interest, but the individuals for the time being constituting the dean and chapter, and that on the decease or other change of an individual in the chapter, it goes to his heirs and executors; you cannot call it a chapter leasehold.

807. In the case of offers to sell leasehold interest to the Commission generally, what is done?—If it was a transaction of any size, the Estates Committee would request the individual to name his price before they considered the application further. If it is a case of a few acres, they often, in order to save the lessee the inconvenience and trouble of a second communication, offer the terms in the first instance; but the usual practice is that which I state, their asking the lessee to name his own price first.

808. Have

808. Have the Estates Committee often reinvested the proceeds of sale in the purchase of leasehold interest?—I think that there has scarcely been a purchase, excepting of leasehold interest, for several reasons, of which two may be named as the chief. The first is, that it pays them a higher return than any other purchase they can possibly make; and the other reason, that by so doing the enfranchisement of Church estates is materially facilitated.

809. Have many transactions of that kind taken place?—All the purchases, I do not mean to say without any exception, but all purchases made in the past four years, with scarcely any exceptions, have been purchases of leasehold interest.

810. So that the Church will, in time, come into possession of a great amount of freehold land?—The Church would do so. But in all purchases for the past four years the Commissioners have had regard to the second object of the recommendations of the Lords' Report, that of providing permanent estates for the sees and chapters. Consequently, although they have at this time a very considerable area under their control, almost the whole of it has been purchased with the view of its transfer to the chapters or to the sees in its neighbourhood.

811. That process is likely to be accomplished?—That process is going on day by day, and has proceeded as fast as the state of the Commissioners' funds, and the opportunities of purchase, have suffered it to proceed.

812. In what course of time can you calculate that that increase of 250,000 *l.* a year will be applicable to the interests of the Church?—That will depend upon the facility with which enfranchisements may be effected. It is impossible to give any definite opinion.

813. Do the Estates Committee contemplate any change in their present mode of proceeding to make enfranchisement more easy, or to put any fresh restrictions on it?—The Estates Commissioners are satisfied that the course hitherto taken has answered as well as can be expected, and except they received any instructions or recommendations from the Houses of Parliament, or from Parliament assembled, I do not anticipate that they would make any change of their own accord.

814. From your experience in seeing the working of the Commission and of the Estates Committee, are you disposed to recommend any changes, either in the Acts of Parliament now existing, or in the working of the Commission and of the Estates Committee?—I think that the terms obtained now can continue to be obtained; but I think that they act rather hardly upon a particular section of the lessees.

815. Will you state what you mean by that answer?—The recommendations of the House of Lords five years ago, advised that every lessee of a term certain might have a single extension of term, and a great proportion of them have of course in the five years which since passed, had such extension. Leases for 21 years are renewed septennially, and consequently, all that have been renewed between that time and this, have had the one renewal which was contemplated by the recommendations of the House of Lords. Therefore, with regard to those cases, the Estates Committee do receive now nearly the whole 63 *l.*, which I referred to in the opening of my evidence, as the sum which was equal to 100 *l.* at the end of 14 years. For instance, if a lessee had his lease renewed immediately after the passing of the Act in 1851, he would now have an unexpired term of not much more than 16 years; and if it were only 14 years, the Church would obtain the whole 63 *l.*; and I think that in those cases the action has within the last two years begun to operate hardly upon those lessees.

816. What would you recommend to be done in such cases?—I think myself that it would have been a more equitable course; that is to say, that it would have operated more equitably to all the lessees, if, instead of the recommendation being, that each should have a single renewal, it had been, as I originally proposed, that the whole of the existing leasehold terms should be extended simultaneously up to the same period, and should terminate at the same time. For example, I think it would be more equitable, if, instead of the interests of the Church being estimated at, where the lessee renewed in September 1851, a term of sixteen years, and in another case, where the lessee renewed in July 1851, at twenty-three years, it were determined that all lessees, holding for terms certain, should have the same term from the present time, any extension obtained being charged to them at the scale at which they have been accustomed to pay for renewel of their leases.

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817. Mr. *E. Denison.*] In the answer which you have just given, you have spoken of the cases of leases for terms certain. How has it been in cases of leases for terms uncertain, that is, in leases for lives?—In those cases, if the ages upon which the term was held were such as that the term proved to be shorter than a term certain for 21 years, they had their term extended exactly the same as if they had been lessees for terms certain, but if they held upon three or two such ages as gave them an interest beyond a term certain of 21 years, in that case their leasehold interest was estimated as it stood, without any consideration or extension whatever.

818. Then if a lessee should have lately renewed and have paid a considerable sum for putting in new lives, in the event of proceeding to enfranchisement he would have no allowance made to him for the custom of renewal?—No, he would not have any consideration for the custom of renewal, because in the act of renewing, he would have obtained a term which could scarcely be under 35 or 40 or 45 years. Therefore it was considered that his outstanding term was such as afforded him time for compensation for improvements, or for any other similar circumstances, and that the Church was entitled to charge him the whole value of the reversion. That was a cause, but not the whole cause.

819. Was that view taken by the Church Estates Committee, or was there anything in the recommendations of the Lords' Committee which pointed to that?—It was expressly so set out in the recommendations of the Committee of the House of Lords. All the purchases and sales effected since the time that I have attended the Estates Committee have been carried out, except in extreme exceptional cases, in accordance with the recommendations of the House of Lords.

820. Will you describe a little more in detail the process which has taken place on an application for enfranchisement of property held for lives?—I think, as I said before, that perhaps we had better take as an example this case of your own.

821. The first question that might arise would be the estimate of the annual value, would it not?—Yes.

822. Supposing that there is a difference between the lessee and yourselves about annual value, how is that adjusted?—In that case the usual course is, that if the estimate on behalf of the surveyor on the part of the lessee is not so high as the estimate on behalf of the Commissioners, the Commissioners offer to purchase his leasehold interest on the estimate of their own surveyor; and in Mr. Denison's case, if the Committee will turn to the correspondence on it, they will see that, Mr. Denison objecting to the price asked by the Commissioners for their reversion on the ground of excess in annual value, and in years' purchase, the Commissioners offered to purchase his interest on their own surveyor's estimate. It will be desirable that the Committee should understand, that Mr. Denison's estate comprises, as stated in this correspondence before the Committee, a considerable area, which is on this side of the hedge, which you see shown in this plan as the outside; Mr. Denison held 100 acres, or something of that kind, extending from his own estate up to this point upon which my finger now is. The greater part of this estate on each side of the 100 acres was at the time in the possession of the Ecclesiastical Commissioners; it was not theirs in reversion, but theirs in actual occupation, and those 100 acres being in their estate, the point between them was whether the Ossington Estate should come out into their estate, or whether it should not. The estimate sent up by Mr. Denison's surveyor was, I think you will find, nearly as high, or as high in point of annual value, as the Commissioners' own estimate; but he had fixed his annual value for purposes of sale at 28 years' purchase; while the lands being in our estate and so situated as regards Mr. Denison's estate, we were unable to recommend this sale or purchase at a less scale than 30 years for the fee-simple, and I think that at the time Consols were at 100*l.*, or very nearly so.

Vide plan No. VIII, at the end of Appendix.

823. With reference to the course pursued there are three things to be considered; first of all, the annual value; next, the interest of the lessee in the lives; and then what consideration is to be allowed for the custom of renewal; those are the three elements, are they not?—Those are three elements.

824. In fact, you have explained that this consideration, in the case of lives, depends upon the state of the lives?—Yes.

825. As your former explanation was confined to cases of leases for terms certain, I wanted to know the course which was pursued with regard to leases for terms uncertain, and you have explained that, whether or not an allowance for the custom

custom of renewal is granted, depends upon the term which the lessee has?—Yes.

826. If these transactions were to extend very largely, it would bring very great masses of property to be managed by the Estates Committee, would it not?—If it was their intention to hold considerable estates; but it would be at their own option.

827. What do they propose to do with such an estate, for instance, as that of which you have been speaking, the property at Norwell; that is proposed to be held as an estate, is it not?—I cannot answer that question without explaining shortly the circumstances under which that estate stands; it was an estate of 1,800 acres, in the hands of some 60 or 70 individuals, and before the Act passed which appointed the Earl of Chichester and the gentlemen acting with him, a great number of transactions had been carried out with regard to those 1,800 acres, and 850 acres had at that time been actually brought into the possession of the Commissioners, and they could only take either of two courses, viz., to go on with the formation of a considerable estate there, or to sell the 850 acres which had been previously brought into possession; it was before I was called upon to attend the Estates Committee, but it seemed desirable rather to obtain the rest of the estate, so far as it could be done, than to change the course of proceeding which had previously been undertaken; therefore it is, I think I may say, almost the only estate which has been purchased without having some definite object.

828. But in the course which is now going on of purchase and sale, some considerable amount of property must remain in fee-simple in the hands of the Commissioners, must it not?—I do not see any necessity that it should; it may do so.

829. In what way do you look forward to its being disposed of?—The area now in possession is altogether somewhere about 24,000 acres.

830. Mr. *Walpole.*] That does not correspond with an answer which we had before, namely, that there were two sets of property amounting in the whole I think, to 14,000 acres. Will you attend to the following question and answer: "Can you inform the Committee what acreage of property the Commissioners have now under their management? The estates are divided into two great sections, and are managed by two different agencies. The estates in the southern section, managed by Messrs. Clutton, consist of 7,410 acres; in the northern section the estates, managed by Messrs. Pickering & Smith, amount to about 7,000 acres"?—That second 7,000 ought to be 17,000; the actual acreage is 16,800 and odd. I should say, that almost the whole of that, I might almost say every estate which is in possession, except the estate to which Mr. Denison refers, which had been purchased before the appointment of the Earl of Chichester, has been purchased with the view of putting an adjacent bishop or adjacent chapter in possession of their permanent estate, as recommended by the House of Lords. I cannot say quite the whole, but certainly by far the greater part of the estates of the 17,000 acres are in our hands in only what you may term a transition state.

831. Mr. *E. Denison.*] You say that the property has been purchased, in order that it might be handed over to an adjacent bishop. You have been so much the author of this scheme, that I presume you can speak as to the plan which is contemplated in the handing over of some estate to a bishop?—The case of the commutation in the Chapter of York has been put in precisely with a view of showing the action of the Commissioners in that respect, so far as they have gone at present.

832. Mr. *Walpole.*] What is the page of the York case in the Appendix?—Page 269. In that case the dean and chapter gave up to the Commissioners estates exceeding in fee-simple value 400,000*l.*; a great proportion of those estates were enfranchised by sale, and a comparatively small portion were enfranchised by purchase of the leasehold interest, and brought into possession; as soon as by sale a sum about equal to the fee-simple value of the permanent estate proposed to be assigned to them had been obtained, the chapter had the offer of certain estates as their permanent estate in possession.

833. Mr. *E. Denison.*] I am not asking about a chapter; I am asking about a bishop?—In the case of a see, no such instance has occurred.

834. Your answer is, that property has been purchased which might be convenient

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nient for an adjacent bishop or chapter; I ask you what is the arrangement contemplated when a landed estate is proposed to be handed over to a see?—To which I answer, that no such case has occurred; an instance has occurred of almost the same kind in the case of a chapter, and you have before you a statement of the whole circumstances of that case, and on that I can answer the object of the question, although I cannot answer it precisely, because there has been no case under a see.

835. But would not the delegation of landed property to a chapter or to a bishop be a very different thing in regard to management?—I think that there is some difference between the two; I am not prepared to say exactly how in the case of a see such a transfer would be hedged in and secured and guarded, but in the case of a chapter I can show you exactly what has been done.

836. But as the process of enfranchisement is going on, and as sees have to be ultimately provided for from some such source, I wanted to know whether an arrangement had been suggested in any way for the delegation of landed property to a see?—As no such case has occurred, no such arrangement has been settled by the Estates Committee. I can only give evidence of facts which have occurred.

837. I will ask you a few questions about the paper which you have given in with respect to the management of the Norwell Estate, but first I would ask this question: everything is signed "Pickering & Smith," and I believe Mr. Pickering is the gentleman who is constantly in the habit of visiting this property; I do not know whether you would like to be asked the questions about the detailed management, or whether they would be more properly asked of him?—I shall be happy to answer any that I am able to answer; what I cannot answer of course he must.

838. I asked Lord Chichester whether he was aware that the leading tenants at Norwell were under notices to quit; can you tell the Committee whether before those notices were given to the tenants at Norwell, the Estates Committee were consulted about it?—No; I inquired as soon as I had heard that you had asked the question, and I do not think they had been; in fact, I am sure they had not.

839. But Lord Chichester's answer is, that certainly in such a case as giving notice to tenants to quit, the agent would not do such an act without consulting the Estates Committee?—I certainly am of opinion that in all such cases the sanction of the Estates Committee ought to be first obtained; at the same time this was an exceptional case, owing very much to the exceptional character of the estate, as compared with other estates.

840. Were those notices to quit given to the tenants without your knowledge?—I cannot say whether I had heard of it or whether I had not.

841. Who gave the notices?—They would be under the signature of Messrs. Pickering & Smith, I have no doubt.

842. Mr. *Walpole.*] As a general rule, when notices to quit are given to tenants, that subject is brought before the notice of the Estates Committee?—I think that it ought to be.

843. As a general rule, is it not?—I think it has been so, as a general rule.

844. Is there anything peculiar in this case which accounts for the circumstance of the notices to quit having been given without having been brought before the Church Estates Committee?—I think that it would have been more expedient if their sanction had been first obtained; at the same time the circumstances of the whole of that estate are so peculiar as to make it by no means so expedient as in any other case.

845. Mr. *E. Denison.*] I must ask another question about that, because the more difficult the management of a property may be, the more it would be proper to consult those who are responsible for the management?—My answer did not refer to the difficulty of the management; it rather referred to the extent and the complicated nature of the separate holdings, the 1,800 acres were previously held by about, I believe, 60 or 70 lessees; at the present time, either purchases or sales have been carried out with all those 60 or 70 lessees, with only some two, or three, or four exceptions. As those separate holdings fall into possession, you of course have to change the acreage of the different occupations of the occupiers in possession.

846. But that is what constitutes the difficulty of management of an estate, is it

it not?—It constitutes a peculiarity in this case, but I do not see that it constitutes a difficulty of management.

847. Does not this difficulty arise, that if the land is to be constantly taken from one tenant and given to another, that is a thing not agreeable to tenants, and which requires to be done with much consideration, to keep tenants satisfied with their position?—In this particular case I have no reason to suppose that the tenants have been dissatisfied at all, and I do not understand that they have ever said so to Mr. Denison.

848. Sir *G. Grey.*] As I understand you, even in this case, you think the better course would have been to have taken the opinion of the Church Estates Committee before the notices were given?—Certainly.

849. You do not recommend the practice of giving notices to quit without taking the opinion of the Church Estates Committee?—Certainly not.

850. *Chairman.*] Do you know on whose recommendation the notices were given?—The notices were undoubtedly given by us as agents.

851. Mr. *E. Denison.*] But I think that you have answered that you have very great doubt whether your sanction was asked to this act; you do not remember it?—I do not; but at the same time I am perfectly open to accept any share of the responsibility.

852. You accept your share of the responsibility; but I ask you as one of the agents, whether you were aware of the delivery of those notices?—I cannot say that I had heard of it; at the same time, I am by no means certain that in the course of conversation, I might not have heard of it.

853. Sir *G. Grey.*] Do you mean to say that the notices were given by your partner?—Certainly.

854. Mr. *E. Denison.*] If it was your opinion that the Estates Committee should have been consulted before these notices were given, would it not have been proper to have consulted the Estates Committee before these notices were withdrawn?—The notices have not been withdrawn; at least, if they have, it must have been done within the last 48 hours.

855. Are you aware of what has taken place with regard to the tenants at Norwell since the meeting of this Committee?—I heard that you were over there on Saturday.

856. Then you heard wrong?—I must amend that answer. I heard that you had been over there since the former meeting of the Committee.

857. Then I am sorry to say that you are under misinformation. It is quite true that somebody has been to me, but that is a different thing. Are you aware that this has happened; that your partner has been down, and has told the tenants who were under notice, that the notices are temporarily abandoned?—I do know that on the same day when you were referring to the subject here, it did chance, that he was down there on the estate, and that he, as I understand, at that time arranged so far with the occupiers as to be tolerably certain that there would be no change; and I have every reason to suppose that the occupiers, although they were under notices, had no expectation that they should leave their farms, the principal object being to put them all under the same terms of letting; I think that that will be found to have been the reason of the notices being given; but as to the accident of my partner being there on the same day that Mr. Denison referred to the subject here, the two circumstances had nothing to do with each other, for he had arranged to go there before this Committee began to sit.

858. Then if the proposal was to put these tenants all under the same notices, were notices in a complete form delivered to the tenants on that occasion?—I do not exactly understand the question.

859. You have answered that the reason for given the notices was, that the tenants might be put under a uniform agreement?—That was the principal cause, I believe.

860. When Mr. Pickering visited these tenants, were agreements in a prepared state put before them?—Do you mean a few days ago, or on the previous occasion.

861. A few days ago?—I believe they were.

862. Is that the form of agreement (*handing a paper to the Witness*)?—Yes, these are the usual terms of letting.

863. Will you look at that; is that the form in which an agreement should be put in to a tenant to ask his signature?—No. They had these agreements given them, not to ask their signature, but to ascertain if they had any objection to any of the terms which are here introduced, as to having a certain acreage in

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corn or grain, or any details of that kind; and I have understood that my partner told them on that occasion, which was before he heard that Mr. Denison had mentioned the subject, that he wished them to consider whether they desired any alterations in any of these particular covenants.

864. The tenant to whom this was delivered was told that this was an agreement which he was required to sign?—I should say that Mr. Denison on that point has been misinformed.

865. Sir *G. Grey.*] Is that Paper an agreement between the Commissioners and their tenants, or is it a paper stating the terms upon which the Commissioners are willing to make agreements?—That simply states the terms on which they propose that the farm shall be held; and with the permission of the Committee, I will put it in (*the Witness delivered in the same*).

Vide Appendix, page 410.

866. Mr. *Walpole.*] Is that the same paper?—Yes, it is printed.

867. Sir *G. Grey.*] Is it the custom of the Commissioners, through their agents, to give a paper containing those terms to the tenants, in order to ascertain whether the tenants are prepared to hold farms under them upon those terms?—That is so.

868. Supposing they decline to hold upon those terms, are the terms ever modified?—Certainly.

869. Mr. *E. Denison.*] But in this case the tenants have been under notice since October?—I should think they have.

870. And nothing has been done to satisfy them as to what were the objects of that notice until the last day of February?—I do not think that one can find any occupier of that estate who can say that he has been dissatisfied. The reason which I have for saying so is, that I understood from the Earl of Chichester that he asked Mr. Denison if any tenants had stated to him that they were dissatisfied, and that he answered they had not.

871. That was some days ago?—That was after Mr. Denison cross-examined the Earl of Chichester on the subject.

872. I will ask you as to some points which appear distinctly in print. I will ask you regarding the question of the arrangement of buildings in this parish?—I am afraid I cannot tell you that; as to that, you must certainly have Mr. Pickering himself before you.

873. In a property which comes into your hands to manage as landlords, a considerable expenditure in buildings is a very important matter?—Very.

874. Has that been under your consideration, or has it been under the exclusive consideration of Mr. Pickering?—In the case referred to, you will find in the papers that every step which has been taken has been sanctioned by the Estates Committee.

875. That is not any answer to my question; my question is this, whether in the arrangement of buildings, and in the expenditure upon buildings on that property, you are able to speak to the management, or must I consult Mr. Pickering?—I am unable to speak to the management. You must consult Mr. Pickering.

876. *Chairman.*] What is the usual term of years for which you let farms according to that form of agreement which you have delivered in?—All the occupiers, when an estate is settled, have the option of a term certain, usually varying from 14 to 18 years. The great difficulty is to induce occupiers to accept terms; they usually are indisposed so to do.

877. Mr. *E. Denison.*] If you cannot answer upon so large a question as the expenditure which has taken place in building, perhaps I ought to ask almost all matters of detail of Mr. Pickering without asking them of you?—On this particular estate there is no doubt that he is intimate with the details and particulars, and that I am almost wholly ignorant of them.

878. However, you have said that it was a rather peculiar estate, requiring a great deal of consideration, and has it been left exclusively to Mr. Pickering's management or not?—It has been left almost exclusively to his management under the sanction of the Estates Committee.

879. Sir *G. Grey.*] You have said that there are 17,000 acres under the management, nominally, of Mr. Pickering and yourself, as partners?—There are.

880. Is it your practice to divide those estates between you, and for Mr. Pickering to take almost the exclusive management of some estates, and for yourself to take almost the exclusive management of others?—I think that I have gone over, and am intimate with the circumstances of every other estate except this; but

but in this case it formed, as you know, the subject of investigation through the whole of two Sessions in 1847 and 1848. The whole details of the proceedings up to a certain stage are to be found in evidence, and, as I said before, at the time when the Earl of Chichester accepted his present office, 850 acres had been under these arrangements brought into possession, and the difficulty was to say whether the course previously taken should be persevered in, or should not.

881. How does it happen that you, being Mr. Pickering's partner, do not know personally anything of the details of this estate; is it owing to the arrangement of business between you as partners?—No. It is customary when two people are partners together, for each of them to give his peculiar attention to a particular estate more than the other, although they usually talk over together anything at all out of the ordinary course.

882. Is that usual practice adopted in the management of these estates as between you and Mr. Pickering?—Yes, that is so; but in this case I have scarcely ever seen the property.

883. Sir *J. Pakington.*] I understand that you and Mr. Pickering are jointly agents for the Estates Committee for these properties?—We are so.

884. I do not think that you have quite answered the question put to you by Sir George Grey, whether, being so jointly agents for these properties, you and Mr. Pickering divide these estates between you, so that one of you gives especial attention to one portion and the other to the other; is that so?—No; the course rather is, that I take a general control over each estate, and that Mr. Pickering goes into the details upon each.

885. I understood you to say just now that your memory was not clear whether you had or had not had knowledge of those notices which were referred to by Mr. Denison, I presume that, as a matter of business, those notices ought not to have been served without the knowledge of either yourself or Mr. Pickering?—There is no doubt at all that they have been served by us as the agents.

886. You stated, I think, that you had no recollection whether or not you had had knowledge of their being so served?—Because he would sign in the name of the firm.

887. You admitted that that case was an exception from the general practice?—Decidedly.

888. And that there ought to have been knowledge of such notices being served. What I wish to know is, whether, according to the practice of yourself and Mr. Pickering, those notices ought to have been authorised by you or by him?—There is no doubt that he signed those notices.

889. And directed their being served?—And directed their being served.

890. But you have no recollection whether or not you knew of it?—No.

891. Sir *G. Grey.*] In the course of business, was Mr. Pickering authorised to do those acts on behalf of the firm, you being the other partner?—Decidedly.

892. Without personal communication between you previously?—Certainly.

893. Sir *J. Pakington.*] But I understand you to say that such a step as the serving of those notices ought not to have been taken, and, generally speaking, would not be taken without the knowledge and authority of the Estates Committee?—Certainly.

894. I think you have not explained why an exception was made in this particular case, and why the notices were so served without the knowledge of the Estates Committee?—I have endeavoured to do so by setting forth the peculiarity of the estate, the great number of lessees who held small portions of it, and the necessity, as those small portions fall into possession, of changing the size of the farms, and also getting all the occupiers under the same form of agreement.

895. I remember your stating that peculiarity as the reason, but I do not think that you stated then, or that you have yet stated, why the peculiarity should cause an exception from the rule; why was it necessary to serve those notices at that particular time without waiting for the usual consultation with the Estates Committee?—I do not think that there was any cause of that nature.

896. Is it not better as a matter of business relating to questions of such importance, that all such rules should be strictly adhered to?—Certainly.

897. Mr. *E. Denison.*] You have said that you exercise a general supervision over the estates, but that Mr. Pickering has gone into certain details; can any thing be more connected with the general supervision of the estates than the

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question of laying out large sums of money in buildings upon those estates?—No; but I especially said that this case was an exceptional case.

898. You mean that it has been excepted from your supervision?—I said, I think, that it was almost the only estate which I had not frequently seen.

899. Lord *R. Cecil.*] Do you remember any other case with respect to the other estates, which are more under your management, where notices had been served without reference to the Committee?—I do not.

900. It is your opinion that that has never been the practice?—I cannot say that it has never happened; it may have happened in a case or two; there is no doubt at all that it is not the ordinary practice.

901. Sir *G. Grey.*] Do you, as agents for these estates, feel yourselves authorised to incur a large expenditure on account of buildings without a reference to the Estates Commissioners in the first instance?—Every such expenditure, and in fact, every expenditure is brought in detail in the same manner as you see it in these papers in this case, under the consideration of the Estates Committee.

902. Is it so brought in detail under the consideration of the Estates Committee before anything is done which involves that expenditure?—Always.

903. Lord *R. Grosvenor.*] I think you stated that you thought the ultimate surplus of these estates for the purposes of the common fund would be about 250,000 *l.* a-year; can you say how much of that is realised at the present moment?—The transactions already effected extend, I think, to about, 6,500,000*l.* or 7,000,000 *l.* out of 35,000,000 *l.*

904. How long will it be before the whole of this amount is realised?—That, as I stated before, depends entirely upon the degree of facility with which enfranchisements are effected.

905. You cannot calculate at all when it may be?—Assuming that they make the same progress, as in the past four years (and if all the corporations had consented to have proceeded, they would certainly have made more progress than they have) it would bring you out to about the end of some 16 or 18 years from this time.

906. Sir *W. Heathcote.*] Will you look to some questions put by Mr. Ingham to Lord Chichester; beginning at 313. Will you just cast your eye down them, and see whether the answer given to Question 317 is correct?—It is perfectly correct.

907. Is it correct, that in any consideration of the lessee's interest, you would give him more than the full interest of 21 years?—Certainly. That was a change introduced by the substitution of the recommendations of the House of Lords for the suggestions which I originally made; I proposed in the suggestions, which you will find in my former evidence, that the whole of the terms certain should expire at the end of a given number of years; instead of that, it was thought more expedient, that every person, whatever his term might be, should have a renewal; therefore if, at the time of the passing of the Act, he had a term of 15 years, he would have a term of seven years added to it, making 22 years.

908. On what basis did you calculate the price of that renewal?—On the scale at which the lessee had been accustomed to renew previously.

909. On the average of how many renewals?—An average has nothing to do with the subject; the scale to be charged is the scale which the chapter charged at the renewal immediately previous.

910. Is it one renewal, or two or three renewals?—It obviously is to be charged on the terms upon which he is accustomed to renew.

911. What is the meaning of the word "accustomed," does it mean only one previous renewal, or according to the general acceptation of the word, the customary renewal?—On the terms on which he had been previously charged.

912. Lord *R. Cecil.*] If on the last renewal but one he had renewed at nine per cent., and on the last renewal he had renewed at six, you mean that the six would have been accepted as the customary scale of renewal?—If you substituted seven for six, I should answer in the affirmative.

913. Sir *W. Heathcote.*] I understood you to say that with respect to lessees who have renewed since a given date, that allowance has not been made?—No, they have had the renewal; and it is precisely because I think that in those cases there is a certain degree of what I will term hardship, that I think it would be much more desirable if you return to the recommendation which I originally made.

914. What

914. What is the date from which that change takes effect, 1851 or 1854?—It was in the first Act, 1851.

915. Mr. *J. A. Smith.*] What was your recommendation?—I said that I thought it would operate more equitably if the termination of the outstanding term certain was made at the same time; if all the lessees had their leasehold interests, if extended at all, extended so as to terminate at the same time; suppose, for instance, only for the sake of example, that they all terminated on the 1st of January 1880.

916. Mr. *Ingham.*] The recommendation of the Lords' Committee, as I read it, is, "That as regards leases for years, which are reduced below 21 years, the lessee shall have the option, before enfranchisement or surrender, of one more renewal;" does not the use of the word "option" mean that he shall be called upon to make that choice when the two systems are before him, either enfranchisement or surrender, on one side, and the continuing to renew on the other?—Yes.

917. Has any such option ever been tendered to him, while he has held under the chapter, who have continued to renew as heretofore?—I cannot answer as to the practice of the chapter.

981. When he comes before you with a tender of enfranchisement, you inquire, „When were you last renewed;" the lessee answers, possibly, "I was last renewed in the year 1854;" then you ask, "Was there any option at that time tendered to you, either of enfranchisement or of surrendering or of continuing to renew;" his answer is, "No such option was tendered to me, because there was nothing to interrupt the usual course of the chapter." Has the circumstance arisen to which the sentence which I have read from the Lords' Report applies?—The honourable Member seems to mistake altogether the position in which these cases come before the Church Estates Commissioners; so far I have been examined, and have been answering as to the practice with regard to the estates which are the property in fee of the Ecclesiastical Commissioners; this question refers to the practice of the Church Estates Commissioners; their duties are not to interfere, as the honourable Member suggests, between the chapters and their lessees, but they are to approve or disapprove agreements which have been actually effected between the chapters and their lessees, and they have no power of asking the circumstances under which those agreements have been come to; they simply have to say whether the agreed terms are such as ought to be approved.

919. That is exactly the view which I myself entertained of it, but as contrary opinions and apprehensions have been entertained, I wished to learn it from you; of course that clause in the recommendation of the Committee cannot have any effect upon the continued practice of renewing by any ecclesiastical corporation?—The Act to which the question refers does not interfere at all with the independent authority of chapters to award such terms or to make such agreements as they of their own accord see fit.

920. You stated, I think, that the Chapter of Carlisle had transferred all their estates to you for management?—Yes, in 1852.

921. Supposing that in 1851, subsequently to the passing of this Act, they had renewed before they had thought of transferring, and that in 1855 the lessee had applied to the Commissioners to enfranchise, would you have treated him the way you have mentioned, that is to say, extended the term which he then had by seven years, or would you have said, "You have renewed since the passing of the Act"?—Our answer would have been, that he had renewed since the passing of the Act; and it is because of the hardship in those particular cases that I have suggested the alteration which I have before mentioned.

922. Do you think that that is an occasion for you to apply that rule, which you say yourself is rather a hard one, because, in truth, when the lessee had before renewed, he never had had the option tendered to him which this clause in the Lords' Report appears to contemplate, because at the time when he had before renewed, the system was in prevalence which you say you have no right to interfere with?—Yes.

923. You say that in that case you considered that the previous renewal, though in conformity with the established custom, and before there was any question of surrendering or purchasing, would be such a renewal as to disentitle him to the further indulgence of this clause in the Lords' Report?—It must have been after the passing of the Act.

924. After the passing of the Act, but at a time when the deans and chapters had

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had the exclusive dominion over the land, and pursued the course of renewing without tendering to the lessee any option of either buying or selling; because, as it appears to me, it is when the option is tendered to him that he is to have that additional bonus of another renewal?—I think that in the case supposed of an individual having at this time an outstanding term of 16½ years, the terms under the recommendations of the Lords' Report are rather hard, and therefore I have said that I should be prepared to advise an extension, not of any great amount, but some extension, in order to obviate hardship in those cases.

925. Lord *R. Cecil.*] With respect to the amount of difference in value between your recommendation and that of the Lords' Report; the Lords recommended that in every case a leaseholder, say of 21 years, should have a renewal of seven; do you recommend that he should have a renewal of 10, that is to say, that his term is to be extended to 24 years?—No; I recommended so five years ago, decidedly.

926. Then the three years is the exact value of the difference between your mode and that of the Lords' Report?—No; I think I advised that it should be upon the six per cent. table.

927. And the Lords only took the usual scale of renewal?—Yes.

928. So that, except in very exceptional cases, the Lords' Report is as favourable to the lessees as your recommendation?—I have not considered that point; I should think that there is not a great deal of difference between the two.

929. Sir *J. Graham.*] Is the relaxation which you would recommend at the particular point stated by you, in the power of the Commissioners to grant, or is legislative provision necessary?—I do not think that the Church Estates Commissioners would be prepared to take upon themselves the responsibility of such a change, without it were intimated to be desirable by high authority.

930. When you say high authority, do you mean civil or ecclesiastical?—Civil. I should say first, that the Church Estates Commissioners as such sitting separately, have no power whatever over the terms charged by the corporations; it is only the three Church Estates Commissioners sitting jointly with the other two members, as the Estates Committee of the Ecclesiastical Commission, who have any estates under their power, on which they can determine the terms to be charged. But their example on the estates vested in the Ecclesiastical Commission would certainly have a great effect on the other corporations, so that if they made the change in the first case, it would undoubtedly operate in a great many instances in the second case.

931. Have they the power to make the change without the intervention of Parliament?—They have the power to ask any terms they choose to ask for the estates which are the property of the Ecclesiastical Commissioners for England.

932. Would the change which you recommend come within their competency, under their existing powers?—So far as regards those estates; but the question of the honourable Member for South Shields had regard to the other kind of estates.

933. Lord *R. Cecil.*] Then would you propose compulsory power to enable that to be enforced against the ecclesiastical corporations?—By no means. The great object of the Act of five years ago, has been to obtain enfranchisements throughout the estates of the Church as far as it could be done without calling in any compulsory power.

934. Then, in what way would you by legislative provision, or the recommendation of a higher authority, affect those estates which are still under the ecclesiastical corporations?—Precisely in the same shape as a great number of ecclesiastical corporations have been induced to go on under the present Act; by example.

935. I understood you, in answer to Mr. Ingham, to say, that that which you recommended was the legitimate construction of this Lords' Report?—No. If that term of 24 years had been given at that time, it would have terminated in 1875, whereas now, if you gave it, it would not terminate until 1880.

936. Mr. *Walpole.*] Do I quite understand you about it. As I understand you, under the recommendation of the Lords' Committee, a certain advantage was given to lessees with terms certain, and the effect of your recommendation would be, to give a similar advantage to those lessees who have terms uncertain?—No; it would be to extend the recommendations of the House of Lords a short stage further. As regards the terms "uncertain," I think that there is no occasion for any alteration at all, but, on the contrary, it should be in the other direction, if anything.

937. With regard to the practice of the Ecclesiastical Commissioners for terms uncertain, you think that the lessees have the full advantage which they might be entitled to claim?—Yes.

938. But with regard to terms certain, you think that some further advantage ought to be given to them equivalent to that which has been derived by lessees for terms uncertain?—I am not prepared to say that it ought to be given, but I think that there is a degree of hardship, which, if anything is to be given, is the hardship to be obviated.

939. Mr. *Ingham.*] You say that you are not prepared either to remedy this hardship by going so far as to give them a term of seven years, which, subject to my reading of the recommendation of the Lords' Committee, they would be entitled to?—I am not able to agree with your interpretation of that recommendation.

940. I have in my hands the last Act of Parliament, the 17th & 18th of Victoria, chapter 116; that Act in the 4th clause says, that in every instance in the final settlement of terms, regard shall be had to the just and equitable claims of the present holders of land under lease or otherwise, from the long continued practice of renewal. Those were the holders of the land in the year 1854, when this Act was passed. Suppose, in 1855, I, having renewed in 1852, was proposing to enfranchise; according to your view of the operation of the Lords' Report, what would be the benefit which I in 1854 should have enjoyed from the long continued practice of renewal?—There is no advantage which you would have derived, excepting that you had had the extension in 1852.

941. Then you at that time would treat it as if it were a bare term?—Exactly so; that is exactly what I have stated several times as the hardship now existing.

942. Do you not think that it is a hardship in direct contravention of the Act of Parliament?—Certainly not.

943. This Act of Parliament would encourage persons to come forward and offer to enfranchise; because it says, that in the settlement of the terms some favour is to be shown to a man with a continued practice of renewal?—I apprehend that that Act and the previous Act are to be considered as a single Act.

944. Then, according to your construction of the Act, those words are inoperative?—It is so.

945. *Chairman.*] In the Act to which you have been referred, of the 17th & 18th Victoria, it is stated in the 11th clause, that "the basis of compensation may at the discretion, and with the approval of the Church Estates Commissioners, be that laid down by the Episcopal and Capitular Revenue Commissioners in their Report of 1850, or according to the recommendations laid down in the Lords' Report on the same subject in 1851." Do you conceive that those words bind the Commissioners not to go out of or beyond either the Report of the Commissioners or the Lords' Report?—I am not able to construe exactly what they mean legally, but it was in consequence of the introduction in this clause of the Report of the Episcopal and Capitular Revenues Commission, that I was under the necessity of showing the gain to the Church by the adoption of the recommendations of the House of Lords instead of the recommendations in that Report. In the first Act I do not think that anything is said on the subject. In the second Act the two schemes are both of them named; therefore I have felt myself called upon to show, as distinctly as I can, how much the difference is between the two schemes.

946. Does not the Lords' Report contemplate a renewal for seven years in the cases of leases for years, which are reduced below 21 years, and leases for lives which upon a proper estimate shall be found equivalent to terms of less than 21 years?—It is so, and it has always been so carried out.

947. Therefore, in cases which do not come under either of those alternatives, either leases for terms of years or leases for lives, it is not contemplated that there should be any compensation?—No. The whole subject was argued out before the Upper House, and that was the conclusion to which they came.

948. Mr. *Ingham.*] I think one of the advantages contemplated by the recommendation of Lord Harrowby's Commission, was that it would put the Church immediately in possession of a greatly increased income?—It would only do so exactly as enfranchisements do. I have the report here, and I do not see anything in it which would at all tend to hasten the period.

949. The recommendation was, that there was to be an Act of Parliament to be

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brought in to carry it into effect, which was immediately to commute the existing leases for perpetual leases upon an increased rate of annual rent revisable every 21 years?—No, not at all; I have the Act here. The proposal gave an option, nothing more than exists at this time.

950. You state that the benefit would be much greater to the tenant under that Act than under the present system?—Only in a pecuniary sense; and I think that in any answer of the kind you should take into account the several reasons assigned in the recommendations of the Lords' Report, showing the extreme inconvenience of that scheme, not to the Church, but to the lessees themselves; and the holders of the Church estates almost wholly, and I think I may say wholly, objected to the imposition of any rentcharge.

951. One object was, that without effecting any great exchange in the occupation of land, it would put the Church immediately in possession from their tenants of an increased annual income by granting them a perpetual lease at an enhanced rent, instead of a renewable lease on fines?—Not so. It was optional with the holder on every Church estate whether he would agree to pay a rentcharge immediately, instead of keeping it out for any term that he pleased; exactly as under the estates of the Ecclesiastical Commission it is optional for any lessee now to say that he will enfranchise, and to enfranchise forthwith.

952. You having stated the pecuniary benefit to the tenant under the scheme of Lord Harrowby's Commission compared with the scheme adopted, and the pecuniary benefit being better, the inference is that the tenants would sooner consent to those terms than the present terms, and that the income would be at once raised?—That inference is inaccurate; because, although there was a great pecuniary advantage in it, still it was considered by the holders of the Church estates in all parts of England, that the inconvenience of having a permanent charge upon their estates in perpetuity overbalanced the pecuniary gain held out to them.

953. That is your inference from the communications which you have had with the lessees?—It was in evidence before the Upper House; and the half of the evidence which I hold in my hand is evidence in the sense which I have described; and the Committee had better have the names of the individuals who gave evidence in that sense, if there is any uncertainty on the subject.

954. Lord *R. Cecil.*] Did I rightly understand you to say that the hardship, if any, of which you spoke, was limited exclusively to those lessees who had renewed without option of purchase or surrender since 1851?—Yes, I think that is so.

955. Mr. *Mowbray.*] You say that the enfranchisements which have been already carried out have produced for the Church a sum of about 57 per cent., and that this sum has first gone into stock, and then been laid out in land; can you tell me what has been the expenditure attending the enfranchisement, the conversion of the stock, the sale of the stock, and the expenses of all kinds, legal, surveyor's, and otherwise, in the reinvestment in land?—I cannot tell accurately, but I should think that the costs would come out at between half per cent., and one per cent., on the whole transactions.

956. Do you mean to say that you would estimate the whole of these fourfold expenses: first, the enfranchisement; secondly, the conversion into stock; thirdly, the sale of the stock; and fourthly, the reinvestment in land at less than one per cent.?—I do not think that you will find them exceed one per cent. There is a return before the House, moved for by the honourable Member himself, which gives the whole costs for, I think, two years; and there was a previous return moved for, which gave the cost for the previous year. It will be easy for the Committee, by going through the returns for those three years, to have before them the actual cost on all and on each of the transactions of those three years; and I think I can say pretty confidently that they will find it come out less than one per cent.

Vide Appendix, page 454.

957. What is the amount of the whole sum expended in the purchase of new land and estates; that is, either in the purchase of leasehold interest or in the purchase of landed estates, which have not heretofore belonged to the Church?—The whole expenditure, whatever it may be, has been in the purchase of leasehold interest; there has not been, I think I may say, any expenditure, except in the purchase of leasehold interest; and the reason is, that if you purchase up a leasehold interest, you not only obtain the leasehold interest, but you bring the reversion into possession, because you have yourself the possession of the reversionary interest, and therefore all such purchases pay you 5½ or 6 per cent, or something

something of that kind. Hence up to this time there has been scarcely any purchase of freehold. Then as to the sum which has been so expended the honourable Member will, I think, find, on referring to the annual Reports, that in the year ending the 1st of November 1855, the estates purchased were to the amount of 272,000 *l.*, in even numbers; in the year before, namely, the year 1854, you find that the amount was 168,000 *l.*; in 1853 it was 293,000 *l.*; and I think those three years are all that you have distinctly.

958. That is an expenditure in the last three years of about 733,000 *l.* for the purchase of estates?—The expenditure is the sum which you name in the three years in the purchase, not of estates in their usual sense, but in the purchase of leasehold interests.

959. Are the Committee to understand you to say, that the expenses incurred in the enfranchisement and conversion of this property, and the expenses attending those purchases, including conveyance, have been less than one per cent. upon this 733,000 *l.*?—As I said before, you will find in the returns to the House of Commons, the whole costs. I have, of course, had occasion to refer to them, and I am very strongly of opinion, that you will find that the whole of those costs come within one per cent. on the property dealt with; if they are over, they will certainly only be just over it.

960. Mr. *J. A. Smith.*] Does that include stamps?—Yes, it includes the stamps and everything.

961. Mr. *Mowbray.*] The sum of 733,000 *l.* having been expended in the last three years, and the object having been, as you stated just now in answer to Mr. Denison, to provide estates convenient for the accommodation of bishops and of chapters, how is it that the only result so far has been, that you have provided one estate for one chapter, namely, that of York, producing an income something exceeding 4,000 *l.* a year, which the Chapter of York have not accepted?—I should say first, that although no other chapter or see has had an estate provided, I have stated that the purchases have had regard as a general rule to the provision of estates suitable for the sees and the chapters, and I am quite prepared to go through the 17,000 acres which are now in possession, of which I know the details, and to say exactly the object which was had in view when each of those estates was purchased.

962. Can you mention any portion of the 733,000 *l.* which has been employed in the last three years in the purchase of an estate suitable for any particular see?—Certainly.

963. Will you give an instance?—I will take, as the case which I open upon first, a purchase of 773 acres at Eccleshall, in Staffordshire, which were purchased with the view of forming part of the permanent estate of the see of that diocese, namely, Lichfield. The see has in possession some 800 or 1,000 acres adjacent. It also has considerable other leasehold estates immediately adjacent, and those 773 acres are so situated (as I shall be prepared to show if I have occasion) as to render this purchase desirable.

964. Sir *J. Graham.*] Where is the residence of the Bishop of Lichfield?—At Eccleshall.

965. Mr. *Walpole.*] Near that property, then?—In the same parish. The next case which I will take going down the page, is a case at a place called Alvechurch, in Worcestershire. The See of Worcester has an estate there held under it of some 2,000 acres, and under the operation of the Church Estates Act it has purchased up the principal farm of 800 acres; it was very desirous of purchasing it up, because Alvechurch Hall had been anciently the seat of the see, and therefore it was indisposed to sell it. This purchase has been made with the view of its being added to that estate which the see has itself purchased.

966. I suppose with regard to those purchases, you would make the general observation that they have been effected with a view to giving land contiguous to the property, or to the residence of the bishop?—I scarcely know that the lands have been purchased, because they are in the immediate vicinity of the residence, but they are within such a circuit as to be particularly eligible for the permanent estates of the see, if the see is to have estates in possession.

967. Sir *J. Graham.*] Have you not attended the meetings of the Estates Committee, when they have come to the decision to sanction those purchases?—I have so; and it has been after considerable conversation and discussion on the subject.

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968. You have been present at those discussions?—I have.

969. Has it been a consideration always entered into by the Estates Committee before they have sanctioned the purchase, whether the purchase in question will or will not be eligible for the ultimate transfer to either the episcopal or the chapter property?—In the case of a purchase of any size it has almost always been at the time said, "It is an eligible purchase, for it will be applicable to such and such a purpose."

970. The precise purpose for which the purchase has been ultimately destined has been taken into consideration in your presence?—Such and such an estate is agreed to be purchased because it is a kind of estate which is eligible for appropriation to the see or the chapter which is in the neighbourhood; and the instances which I shall be prepared to adduce, if you carry the question any further, are the transactions of the purchase and of the sale, and of the appropriation of the estates which have been offered to the Chapter of York.

971. Mr. *Mowbray.*] That is the only instance in which the transaction is ripe for completion?—Yes. It is all here, and if you choose to enter into it, you will go through the process from the chapter handing over to the Ecclesiastical Commissioners the capitular estates. You will have here the details and the numbers of the sales and purchases of the estates themselves. You will afterwards have the manner in which the estates which have been returned to them have been obtained, and every item from beginning to end.

972. Sir *J. Graham.*] That accumulation of property, now sought to be transferred to the Chapter of York, has been the result of a variety of purchases, all made with the same object?—Exactly so.

973. And the transfer is now all but effected, and the Chapter of York is willing to take the estate so brought together by various accumulated purchases, the only difference being with reference to a particular condition?—That is not the only difference. The principal objection of the chapter to receiving this estate is this, that in addition to the acres proposed to be assigned to them, it is proposed to assign to them a tithe rent-charge of 800*l.* per annum, rising off the estate of a single owner, who pays the rent-charge himself every half year; but the chapter say (I think you have it in print), that notwithstanding the rent-charge is of such a kind, and of such a character, they absolutely and entirely refuse to accept a tithe rent-charge of any sort or kind; and if it had not been for that objection, with regard to the receipt of rent-charge, that case would have been wholly settled in the past autumn.

974. But they take no exception to the contiguity, or the convenience of the lands purchased and sought to be conveyed?—The whole of the estates are of the highest kind, within a comparatively short distance of the cathedral city. They stand all of them in the triangle between the cathedral city, and Hull, and Scarborough.

975. And the chapter do not take any objection to the convenience of the land sought to be transferred?—Certainly not. The only objection up to this time has been, that the chapter object wholly and entirely to the receipt of any tithe rent-charge whatever, notwithstanding that this is of the character which I describe.

976. Mr. *Walpole.*] Do they distrust tithes as a security for their income?—You have the chapter's answer before you. I can give no opinion upon their reasons.

977. The phrase, I think, is this: "The dean and chapter will never consent to receive tithes as a source of fixed income"?—Precisely. That is their answer.

978. Lord *R. Cecil.*] Did I rightly understand you as saying, that notwithstanding the number of estates which have been purchased with a view to being transferred to the see, the Commissioners have not contemplated, and have made no provision for the management of those estates. I understood you to say that the Commissioners had not taken into consideration the question, whether the bishop was to be manager of the estates, or any other person?—I did not say that they had not taken it into consideration; but I said that the Commissioners had not come to any determination or decision upon that point.

979. Mr. *E. Denison.*] Reference has been made to the Act relating to capitular management, and you have looked at clause 4 to which allusion has been made?—Yes.

980. Clause 4 makes an arrangement for arbitration upon the question of annual value, under certain circumstances?—Yes.

981. Have

981. Have the Ecclesiastical Commissioners ever in their own arrangements permitted arbitration in order to settle the question of annual value?—There has been one single application of the kind, and the whole story of it from beginning to end is amongst those papers which have been handed in, and which are now on the table. *E. J. Smith*, Esq. 11 March 1856.

982. Sir *J. Graham.*] Which is that case?—The case of the Marquis of Huntly. *Vide* Appendix, page 360.

Veneris, 14° *die Martii*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Ingham.
Sir George Grey.	Lord Robert Cecil.
Sir John Pakington.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Edmund James Smith, Esq., called in; and further Examined.

983. Mr. *Walpole.*] YOU were asked by a member of the Committee at the last meeting, the following question, No. 955; "You say that the enfranchisements which have been already carried out have produced for the Church a sum of about 57 per cent., and that this sum has first gone into stock, and then been laid out in land; can you tell me what has been the expenditure attending the enfranchisement, the conversion of the stock, the sale of the stock, and the expenses of all kinds, legal, surveyors, and otherwise, in the re-investment in land?" Your answer was, "I cannot tell accurately, but I should think that the costs would come out at between half per cent. and one per cent. on the whole transactions"; I think you repeated in a subsequent part of your evidence, that you thought that the costs of those transactions did not exceed in the aggregate and on the average one per cent.?—It is so. *E. J. Smith*, Esq. 14 March 1856.

984. Have you looked into any of the transactions, in order to enable the Committee to judge of the accuracy of your answer then given?—I have since ascertained the costs on the transactions under the two archiepiscopal sees. I take those two because they stand first. The actual costs of the sales and purchases of the estates come out in each case at rather under 13*s.* per cent. Then I have also taken another case, the case of the Dean and Chapter of Durham, and I find that in that case they come out nearly as much again. The reason is, that in the case of that chapter, nearly all the transactions which have been sent up are transactions of small amount, and consequently the costs bear a larger proportion than they do upon the aggregate; and also, that in the case of transactions under that chapter, the sales of the surface always reserve whatever is underneath, and consequently there is an extra cost incurred in the transaction. I am, therefore, perfectly certain that on the whole transactions which have been effected in the past four years, I have by no means understated the costs in the answer which I gave on the previous occasion.

985. Then with regard to Durham, the transactions have hitherto been usually of a smaller character?—They have so. The average value of each transaction in the Durham cases is very materially under the average of the transactions in the two archiepiscopal sees (which I chose simply because they stood first), and it is also, I am certain, very materially under the average of the whole transactions.

986. Have you any figures which you can place before the Committee, to give them an idea of the difference between the average of transactions in the archiepiscopal sees and the average of transactions in the Durham See?—Yes, I can give every case if the Committee desire it.

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987. I believe there is one answer which you wish to correct, which is the answer given to Question 903, put by Lord Robert Grosvenor?—That is so. In the answer to Question No. 903, I should simply take out the second half of the answer. I was answering something which I had not been asked. It is accurate in itself, but it has nothing to do with the subject of the question. I should take out the words "and in that case the proportion of gain would be some 10,000 *l.* or 12,000 *l.* a year."

988. What did that portion of the answer refer to?—It referred to the gain of 60,000 *l.* per annum which occurs between the two systems of sale, but it had not regard to the precise question asked by the honourable Member.

989. The latter part of the answer referred to the proportion of gain which had been effected out of the 60,000 *l.* a year gain to the Church which you mentioned in a former answer?—That is so. The latter part of the answer confuses the whole argument.

990. Mr. *Mowbray.*] How do you arrive at the average of 13 *s.* per cent. Can you give us the details?—I can put in every case; I can hand it in in the shape of a return if you wish to have it—[*The Witness delivered in the same*].

Vide Appendix, page 454.

991. I see that the second head here is "solicitors' and surveyors' charges." These accounts do not include the expense of the conversion into stock or the sale of stock?—The expense of conversion into stock is the half of one-eighth per cent.; if, therefore, that is added to the 13 *s.*, it will bring it up to between 14 *s.* and 15 *s.*

992. Mr. *E. Denison.*] Then there is the selling it again, is there not?—It is purchased in, and sold out again at one-eighth per cent., under a special arrangement made by Mr. Goulburn some time since.

993. Mr. *J. A. Smith.*] With whom?—With the Bank of England.

994. Do you mean that the Bank of England sell stock?—They act as the agents of the Ecclesiastical and the Church Estates Commissioners in all their transactions.

995. Mr. *Mowbray.*] They act as their brokers, and transact the business at one-eighth per cent. commission?—Yes.

996. Mr. *J. A. Smith.*] Do you mean that the Bank of England act as brokers?—I apprehend so certainly; that is so.

997. And was that arrangement made by Mr. Goulburn?—Yes.

998. Mr. *Walpole.*] I suppose the Bank broker is employed by the Bank, and charges the usual commission?—I cannot say how it happens; I can only say, that all the cost is as I have stated. How the arrangement may be between the Ecclesiastical Commissioners and the Bank of England, I am not prepared to state, but the actual cost is one-eighth per cent., which includes buying in and selling out.

999. Mr. *Mowbray.*] The item here of charges of solicitors and surveyors, I understand, includes the charges of solicitors and surveyors upon the enfranchisement only?—Upon everything.

1000. Upon the re-purchase?—Yes. As I explained on the previous occasion, every re-purchase is an enfranchisement, because we only purchase leasehold interests.

1001. Lord *R. Cecil.*] In your evidence before the House of Lords you state, that in nine cases out of ten the Church estates are such, that it is rather desirable to sell than to purchase. Your evidence in answer to Question 13 is this; "Having examined the cases as they have passed through my hands, and through the hands of the other surveyers for the last four years, I can state, that it will be found that in the great majority of cases (I should say in nine cases out of ten), each estate was much more desirable to be in the possession of the party holding it for a term, than in the possession of the Church, being generally intermixed estates." I wish to ask how that is reconcilable with an answer which, I think, you gave, and which certainly Mr. Chalk gave to Question 527. In reply, Mr. Chalk says, that you have to keep a large balance as a floating balance, to enable you to buy and sell as opportunities occur; implying, as, I think, Lord Chichester had before directly said, that all the money which comes from sales is to be invested in purchases. I want to know, if in nine cases out of ten it is desirable to sell, how it is that your sales and your purchases invariably balance?—I think that the simplest mode of meeting the honourable Member's question will be to refer to any of these returns, in which he will see, that although the sums received for sales and the sums paid for purchases are the same, or something about the same, yet in the schedule attached of the sales

and

and purchases during the same interval, the sales exceed the purchases in the proportion of about six or seven or eight times their number; and the reason is precisely the reason for which the Committee have before them the details of the commutation of the property of the Chapter of York. They will see there that the estates proposed to be transferred to that chapter are very eligible farms of considerable size, and those farms have been obtained by the sale of dispersed estates, and the purchasing up of single farms. I do not mean that every eight sales have been applicable to the purchase of a single farm of exactly equal size, but that is the principle which has been gone upon; and it is owing to that, that in every schedule which you have of sales and purchases, without exception, the number of the sales very greatly exceeds the number of the purchases.

1002. Then you are inclined to adhere to the opinion which you gave before the Lords' Committee?—I adhere to everything which I said there.

1003. And the Church Estates Commissioners have generally acted on that opinion?—They have acted in accordance with that opinion.

1004. Mr. *Ingham.*] I see that in the Eighth Report of the Ecclesiastical Commissioners there is only one purchase by the Commissioners in the Diocese of Durham, and that there are no sales. I fancy that this only applies to those estates which are exclusively vested in the Commissioners, and not at all to the transactions by the Chapter of Durham, confirmed by the Estates Committee?—Everything there included refers solely to the estates of the Ecclesiastical Commissioners themselves. The Fifth Report, presented at the same time, refers to transactions approved by the Church Estates Commissioners, but effected by the corporations themselves.

1005. You have stated that the transactions in the Diocese of Durham are generally of small amount, in comparison with the average?—They have been so, thus far.

1006. A great amount, I believe, is composed of the enfranchisement of house property in the borough of South Shields?—Some of it has been.

1007. And I believe that recently there has been an arrangement come to by the Commissioners which will very much facilitate the transaction. They agree now to take the purchase-money in annual instalments of not less than 20*l.* each, retaining the enfranchisement until the last instalment is paid?—That is so.

1008. No doubt it is found to operate beneficially, and the parties are much indebted to the Commissioners for it. Can you tell me how, in dealing with house property, what is called familiarly the beneficial interest of the tenant is considered, because the mode which is prescribed by the Lords' Committee, which you have generally adopted, you think is restricted to the land, and you say that it does not apply either to mines or to houses?—That is so.

1009. Are you aware at all how the chapters give effect to that recommendation of Parliament in enfranchising houses. Do you know what is the nature of the allowance, or whether they have no general rule, and merely look to the particular cases?—It is entirely an arrangement between the chapters and their own lessees, with which I have nothing to do.

1010. Then you have nothing to do but to confirm or to disapprove, and you are not personally aware of what the method is. When you find that the total amount is referred to you as having been agreed upon between the chapter and the lessee, all you have to do is to see that it is sufficient for the interests of the Church?—Yes.

1011. And you do not understand the principle of what allowance is made to satisfy the lessees?—I do not say that I do not understand the principle of it, but evidently, if you desire information upon that point, it must be obtained from the chapter officer, and not from me.

1012. As the representative of the Commissioners, can you state whether they have had an application to sell house property?—Yes.

1013. Can you state how they themselves consider the beneficial interest, it being allowed that the rule laid down by the Lords' Committee does not apply to house property?—It is treated in exactly the same manner as if that rule did apply. The lessee would have the same extension.

1014. Let me suppose a case; I will take the case which you mentioned of 17½ years; suppose that there is an interest of 17½ years in a house; if you increase it, as you have said, by seven years, that will be 24½ years; what would you take to be the fee-simple value of the house?—That of course would depend upon the

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estimate; some houses are taken at 16 years' purchase, others at 18; others are much higher, 24.

1015. Take it at 16 years' purchase; what would be the present value of the interest of a tenant of 24½ years?—The present interest of the Church would not be nearly so high as if the estate were estimated at a higher scale of years' purchase.

1016. I will assume 20 years' purchase, and that the house is in good condition, that would be upon the 5 per cent. tables?—Yes.

1017. Taking the 5 per cent. tables, what would be the amount of 24½ years?—A house estimate, although it is taken on the scale which the honourable Member speaks of, is very different from an estimate of acres, because there is an element of uncertainty in a much greater extent in a house than there is in acres, as to its being occupied; and it would give a very mistaken idea if you were to assume that because a certain value for a house is set at a certain number of years' purchase, therefore the owner of the house receives on an average the interest which the scale of years' purchase seems to indicate.

1018. I quite agree with that; and that is the reason why you take a less amount of years' purchase?—Exactly. The estimate of, I will say, 50 *l.* per annum, at the number of years' purchase which the honourable Member mentions, brings out a value in fee of 1,000 *l.*; it being 20 multiplied by 50. The number of years' purchase having been reduced in consequence of the uncertainty of occupation to which I refer, that has reduced the value in fee-simple in the first instance; and it would certainly be a great mistake to estimate the two interests on the scale of per cent. indicated by the number of years' purchase, because the owner of a house has almost the certainty of its being sometimes unoccupied, whereas the 1,000 *l.* which, if the property were of a higher class, would have been estimated at 200 *l.* or 300 *l.* higher, has been reduced precisely in consequence of the hazards of house estate. Therefore, for the purposes of the Church, the Church stands in this position, not that it is to estimate the two interests on the table indicated by the years' purchase, but that the Church is to say, "There is 1,000 *l.* due to me at the expiration of the existing term; 1,000 *l.* only is due, because the character of the estate has been taken into account, and it has been reduced from the higher estimate of, I will say, 1,300 *l.* or 1,400 *l.* down to 1,000 *l.* on account of the uncertainty of occupation." Then if it were so, that would in truth substitute for 50 *l.* a year at the number of years' purchase named, an income of, I will say, 33 *l.* a year (the interest of 1,000 *l.*) at the higher number of years' purchase. If so, the two interests would have in that case to be estimated exactly as acres, or the higher kind of property would be. But a house, besides the contingencies I have named, is subject to decay from age. It will be certainly older at the end of the term, and therefore, instead of taking it on the same scale as acres, we have always discounted the 1,000 *l.* at a somewhat higher scale, at 4, or, if it is a very poor house, at 4½ per cent.

1019. I do not at all object to the conclusion to which you have come; I only wanted really to know what the principle was upon which you proceeded; I was quite aware that the rule laid down by the Lords' Committee could not apply, because in the case of a great deal of house property, it would give the tenant a greater interest than the value of the fee?—Yes.

1020. The House of Lords laid down the rule that the interest of the tenant and the interest of the reversioner are to be calculated upon the same tables?—Only as regards acres and rentcharges.

1021. Therefore it was that I asked you whether you could explain the principle which was proceeded upon in the case of house property. I understood you to say, that looking at what the real value of the fee was, you took a certain amount, and then you took the interest of the Church, and that when you looked to see how nearly the interest of the tenant approached the value of the fee, you took the amount of his interest upon the same table, but at a smaller number of years' purchase?—We say that there is a certain sum the value in fee of that house. The sum having been reduced in the estimate in consequence of the circumstances of house property, we say that there is a certain sum due at the end of a certain time, and we take the discount on either of the two scales which I have mentioned, viz., 4 per cent., or 4½ per cent.

1022. At the end of a certain time, which time would be the existing term, with the addition of a period of renewal?—Precisely so.

1023. Mr.

1023. Mr. *Walpole.*] And the same period is allowed in the case of household property as that which you allow in the case of other property which is held upon lease?—Yes, it all comes under the same category.

1024. Marquis of *Blandford.*] You stated the other day that the capital sum at which the property of the Church might be put was about 35,000,000 *l.*?—Yes.

1025. And that the interest of the Church in that was about 18,000,000 *l.*?—It is under one-half, and the outstanding interest of the lessees is something over one-half.

1026. In that 18,000,000 *l.*, I suppose you did not include the sum which would represent the value of tithes?—Yes; that was the whole of the Church estate.

1027. I think you have stated that the annual value of the tithe rentcharge might be computed at about 600,000 *l.*?—I said that the actual tithe rentcharge is 680,000 *l.* per annum, but I said that owing to assessments and charges which are only upon tithes, and do not exist in the same shape on other estates; in truth, that 680,000 *l.* only represents 400,000 *l.* a year.

1028. At what figure do you put the capital sum which would represent the value of the tithes?—The 400,000 *l.* is worth about 25 years' purchase in fee.

1029. Mr. *Walpole.*] About 10,000,000 *l.*?—Yes.

1030. Marquis of *Blandford.*] Then the value of the remaining property, consisting of from 7,000,000 *l.* to 8,000,000 *l.* would be the value of land, I suppose, belonging to the Church?—The 25 years' purchase on the 400,000 *l.* includes the value in fee of the tithes; it includes the outstanding leasehold interest in the tithes.

1031. Then the remaining sum of 8,000,000 *l.* or 7,000,000 *l.* would be the interest of the Church in land?—No.

1032. Mr. *Walpole.*] The 10,000,000 *l.* includes the lessees' interest in the tithes as well as the Church's interest in the tithe?—I have so stated.

1033. Marquis of *Blandford.*] It was recommended, I believe, in the Report of the Episcopal and Capitular Revenues Commission, that the tithe rentcharges should not be renewed. Has that recommendation been acted upon?—No. I believe all the sees, and all the deans and chapters, have gone on to renew, just the same.

1034. What is the practice of the Commissioners with regard to tithes?—They are much more indisposed to sell tithes than they are to sell anything else; and on the other hand, the holders of tithes have not shown the same anxiety to become possessed of them as the lessees of acres of land; and in consequence the purchases of the leasehold interest in tithes have been three times as much as the sales of tithes.

1035. Sir *G. Grey.*] Why do the Commissioners object to sell the tithes?—It was partly in consequence of the tithes, soon after I had the honour of being called in, being saleable only at a very great depreciation; and you will find in the second schedule to the report which I referred to just now, that in the case of tithes, where the Commissioners refused to approve the sale, they were proposed to be sold at an enormous depreciation.

1036. What was the depreciation?—More than 20 per cent.

1037. In your calculation just now, you gave 25 years as the term for the purchase of tithes?—For the purchase of tithes altogether in fee simple.

1038. At how many years' purchase do rentcharges ordinarily sell?—There have been hardly any tithes sold except the tithes upon an owner's own estate; and there, as the sale of the tithes was in truth a consolidation of the tithe with the acres, they have been sold; and in those cases I do not think that any have been sold under the scale of about 28 or 29 years' purchase.

1039. Lord *R. Grosvenor.*] Is that process of consolidating the tithe with the acres, what they call a merger?—Precisely.

1040. By which means the tithe becomes entirely extinct?—It is wholly extinguished.

1041. Marquis of *Blandford.*] Has it been the practice of the Commissioners to invest money largely in the purchase of tithes?—They have always purchased tithes held of the sees and of the chapters, or on their own estates whenever they have had an opportunity.

1042. Do they consider that purchasing the outstanding term of tithes is as good as purchasing the outstanding term of lands?—That has turned out the more advantageous of the two, because at the time when the greater part of our tithes were

were purchased nobody else was disposed to have them, and they could be readily purchased at a considerable depreciation; the consequence is, that as the averages have since gone up, those purchases have proved advantageous.

1043. Is the same calculation now followed in respect of estimating the lessee's interest in tithes as in the case of land?—His interest has usually been purchased at about the scale which I gave as the estimate of the value in fee of the whole of the tithe rentcharges; on the scale of about 25 years' purchase.

1044. Is the same allowance made to the lessee in respect of his contemplated right of renewal in the case of tithe, as in the case of land?—Certainly.

1045. With regard to the transactions which have taken place with reference to the transfer of capitular estates to the Ecclesiastical Commissioners does that transfer involve a considerable charge upon the common fund, in order to provide the income which has been agreed upon between the chapter and the Commissioners?—That will wholly turn upon the progress of the enfranchisements under the chapter.

1046. What was the average income of the estates of York previously to the transfer; what did they produce to the chapter?—It is set out, I think, in the Return which is before the Committee.

1047. £.4,300 a year?—£.4,410.

1048. Will you state what you suppose to be the capital sum at which the estates of the Chapter of York may be valued?—I have the information here, and can give the capital sum and the progress of the commutation; in fact, I think that you have it in the evidence which is before you. If you turn to the evidence of the Earl of Chichester, No. 233, you will find that information given in detail.

1049. The average value then of the estates at the time of the commutation was about 4,300 *l.* a year; that is to say, they produced that to the chapter?—Yes; 4,400*l.*, I think.

1050. That is about the sum which the Ecclesiastical Commissioners have agreed to pay the chapter?—It is so.

1051. Then in what does the charge consist which might be thrown upon the common fund in that case?—The charge of the whole annual sum payable to the chapter.

1052. If I understand rightly, the Ecclesiastical Commissioners became possessed in fee of the estates yielding this annual sum?—The estates have yielded that annual sum under the old system; but as the Commissioners cease to renew (the practice having been to renew), they will receive a very small sum from the estates.

1053. The gross value of the property is stated at upwards of 400,000 *l.*?—That is so.

1054. The interest of the Church may be somewhat under 200,000 *l.*; somewhat less than 50 per cent.?—That is so.

1055. Would not the process of enfranchisement, as it went on, and as it placed money in the hands of the Commissioners, daily provide them with a sum from which the income of the chapter, to which they had made themselves liable, might with greater and greater ease be paid without creating any charge upon their common fund?—That is on the assumption that the enfranchisements go on; but if you held out to the lessees under the chapter that you could only carry out these commutations if enfranchisements were carried out, you would have the lessees under the chapter refuse to go on except on their own terms.

1056. Is there a considerable charge thrown upon the common fund in the case of the Chapter of York?—It has happened, in the particular case that there has not been any charge on the common fund, but if you were to hold out that that was certain to happen you would almost be certain to have a charge on the common fund in the very next case.

1057. Then what is the practice of the Commissioners in order to induce the tenant to enfranchise?—Nothing at all; they only accept the estates, and the lessees of the estates have in all cases up to this time been so anxious to enfranchise as to obviate the hazard of the Commissioners having to provide the funds out of their common fund; but it was open to happen, for enfranchisements might not have been carried out; and hence any idea of carrying out such commutations was only entertained, as I stated in my former evidence, after the Estates Committee had ascertained from the progress of their own sales that they had a reasonable expectation that these holders would be disposed to enfranchise.

chise. That was the precise reason of the interval which I spoke of in my former evidence.

1058. Is it the case that in any transactions which have taken place between the Commissioners and the different chapters in the commutation of estates, enfranchisements have gone on sufficiently successfully to obviate the necessity of any charge being thrown upon the common fund to provide the incomes of the chapters?—It has happened so, I think, in every case.

1059. Mr. *J. A. Smith.*] Did I rightly understand you, in answer to Lord Blandford, to state that the chapters and the bishops, where they retained the property, still continued to renew?—Certainly, in all cases.

1060. Your answer applied to both descriptions of property; in fact, to all the property of the Church not under the control of the Commissioners?—To that property not under any control of the Commissioners.

1061. Both the chapters and the bishops are in many cases unwilling to enfranchise, are they not?—I have heard so from the holders of estates under some of them. Lessees have said so to me.

1062. Do you know why?—I do not think I can enter into their reasons.

1063. You do not know any public reason?—If you will instance it, I will say whether it is so or not.

1064. I collect from your answer to Question 749, that you conceive it would be greatly for the interest of the Church that enfranchisements should go on?—Certainly.

1065. Should you approve of compulsory enfranchisement?—No; in fact, the object of these two Acts has been to obviate the necessity for compulsory enfranchisement, and they have evidently done so to a very considerable extent; and I think that if transactions proceed under them, compulsory enfranchisement may be obviated altogether.

1066. But if you think that the principle laid down for enfranchisements at present is so greatly for the interests of the Church, does not it follow that if it was compulsory upon the chapters and upon the bishops to enfranchise, it would increase the immediate income of the Church?—There is no doubt that as enfranchisements are carried out it increases the income and the interest of the Church.

1067. Have you any objection, then, to state why enfranchisements should not be compulsory in the pecuniary interest of the Church?—As far as the pecuniary interest of the Church goes, I do not see any objection. I apprehend the objection is to the introduction of a clause upon the compulsory principle.

1068. But, so far as the pecuniary interest of the Church goes, it would be in favour of compulsory enfranchisement?—Most certainly in favour of enfranchisement.

1069. I understand you, therefore, to say that the delay of enfranchisement is injurious to the Church?—It certainly is injurious in so far as it decreases the income and the interest of the Church.

1070. Therefore compulsory enfranchisement would be in favour of the pecuniary interest of the Church?—It would.

1071. Still you object to compulsory enfranchisement?—I think so; I think it would be the introduction of a very dangerous principle.

1072. Therefore, of course, you have never turned your mind to any scheme of compulsory enfranchisement?—I think you can carry out the same object in the absence of a compulsory power.

1073. Still, in the hands of the ecclesiastical corporations enfranchisements do not go on rapidly?—The system introduced under these Acts was an entire change of system, and I do not think it extraordinary that some of the ecclesiastical corporations hesitated to proceed until they saw the operation of the Act. Some who have hitherto hesitated to proceed are now in the act of negotiating with their lessees.

1074. Sir *G. Grey.*] You said just now that the introduction of the compulsory principle would be dangerous; will you be good enough to explain more fully what you mean; in what respects do you think it would be dangerous?—I think that the question was so far gone into in the Upper House as, that it was agreed on all hands that if the object of enfranchisement could be carried out in the absence of compulsory power, it was more desirable that it should be so done than under compulsory power.

1075. Mr. *J. A. Smith.*] But in the hands of ecclesiastical corporations it has not been done?—It has in a great many corporations been carried out, and I

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humbly submit that the number and extent of the transactions carried out are as considerable as could reasonably have been expected in so short a space of time.

1076. Bearing, however, no proportion whatever to the enfranchisements under the Commissioners?—Yes; almost as high a proportion in some cases.

1077. In the hands of the ecclesiastical corporations?—Yes.

1078. I understood you, in answer to my question, to admit the fact of the disinclination of the ecclesiastical corporations to enfranchise?—I think I said some ecclesiastical corporations.

1079. Not generally?—We can see by the Report. The number of corporations who are to be found in this Report is 26, something over a half of the whole number of corporations.

1080. Mr. *E. Denison.*] That is the number of corporations who are enfranchising?—Who are enfranchising, and have enfranchised.

1081. Mr. *J. A. Smith.*] Do they enfranchise freely?—I apprehend so. They are here.

1082. They are only inserted there because there are cases in which enfranchisements have taken place?—The whole number of enfranchisements of the ecclesiastical corporations in the past four years has exceeded 800, as stated in this Report.

1083. Sir *G. Grey.*] Does the Report state the value of the property?—The Report states the value of the property as 3,300,000 *l.* That has been enfranchised by the ecclesiastical corporations themselves within the interval which I speak of, four years, and some of the other corporations who are not here have certainly hesitated to go on until they saw how these Acts operated, and some who are not here are certainly at this time in negotiation with some of their lessees.

1084. Mr. *J. A. Smith.*] May I suggest to you that you have not yet answered Sir George Grey's question, in pointing out the danger of compulsory enfranchisement?—I do not think that I can point that out.

1085. You said that it would be a dangerous principle?—It was certainly held on a previous occasion that it would be hazardous to make an application of the principle to these estates, under the apprehension that if you introduce the principle at all, it would perhaps extend itself to the estates of owners in general.

1086. Sir *G. Grey.*] Is it, therefore, your opinion, that without adopting the compulsory principle the process of enfranchisement is going on now rapidly, and that ultimately the greater proportion of the Church property will be enfranchised?—Most certainly.

1087. Mr. *J. A. Smith.*] Do you think that a still longer trial ought to be given to the scheme of voluntary enfranchisement?—I think so, certainly. I think, as I said before, that the transactions have been so numerous, and to such an extent as to justify the conclusion, that if it is suffered to proceed you will carry out the object of enfranchisement without the application of compulsory power.

1088. Mr. *Ingham.*] Is not the rate progressive in which transactions have been effected. You refer to four years; in the last year I think there were 300 cases?—There have been a higher number of cases in every successive year, I think, but certainly in the past year higher than in any other.

1089. And also in value; they were above 1,000,000 *l.* last year, and only 3,000,000 *l.* in all preceding time?—And also in point of value.

1090. You have been asked about the inconvenience of compulsory enfranchisement; might not there be this inconvenience, that if all the land was brought into the market at once, seeking immediate enfranchisement, the lessees would be in considerable difficulty in raising such an amount of money at once as would enable them to purchase the reversioner's interest if they desired to do it, if it was compulsory?—That opinion influenced Mr. Goulburn a good deal, and his excellent judgment most materially influenced, up to the time of his death, every transaction under the ecclesiatical office.

1091. If the purchases by the tenants were effected, and the amount of enfranchisement money were in the hands of the Commissioners, it would necessarily have to lie for a considerable time in stock before they could get the security of land again?—I think that on the whole it would be much more advantageous to proceed under the existing system than to introduce any compulsory powers at present.

1092. Mr. *J. A. Smith.*] My questions to you were put upon a construction of the meaning of the word "compulsory," different from Mr. Ingham's, and meant

compulsory

compulsory only upon the Church to enfranchise, not compulsory upon the tenants to be obliged to enfranchise?—That would be a most extraordinary kind of compulsory power, most unequal, unfair, and unjust. If you introduce compulsory power at all, clearly you must make it compulsory on both parties.

1093. Why?—In ordinary equity and justice.

1094. I do not understand your meaning at present. The tenant, as I understand it, has had his position altered by law in recent years, and the Ecclesiastical Commission has been formed and has obtained great funds under the authority of Parliament, which have enabled it to find means for making payments imposed upon it by Parliament. The position of the tenant has been altered by Act of Parliament. I do not understand why, under those circumstances, consistently with the principles of equity, he might not have a right to call upon the Church to enfranchise his property upon a scale approved by Parliament?—I confess that it seems to me that if the lessee of an estate is to have the power to call upon the Church to sell a Church estate, the Church, on the other hand, must have a compulsory power which shall call upon him to purchase their interest.

1095. I want to understand why that should be in the interest of the Church. I am now looking only at the pecuniary interest; how would the pecuniary interest of the Church be affected by having the power to compel the tenant to buy?—I was not referring to the pecuniary interest; I was answering the precise question which I was asked, as to the compulsory power, and I say that in my own opinion I think that if you introduce a compulsory power at all you must in equity and justice make it compulsory on both sides. I do not enter into the pecuniary question either on one side or on the other.

1096. *Chairman.*] Is there any passage in the Report of the Lords' Committee, pointing out the disadvantage or injustice of compulsory enfranchisement?—The only provision that I remember which refers to it, is the provision at the end, advising that a permissive Bill be passed empowering the bishops and capitular bodies to enfranchise.

1097. Mr. *Walpole.*] If compulsory powers were introduced by Act of Parliament, might they not have the effect of raising objections on the part of the ecclesiastical corporations to that process of enfranchisement which is now going on?—I think so, certainly, and that if you can obtain the same object without the introduction of compulsory powers, it would be more satisfactory to the corporations themselves.

1098. Is it not likely to be much more satisfactory to both parties, both to the Church and to the lessees of the Church property, that they should voluntarily agree to do that which they think equitable between themselves, than that one should be compelled to do the thing and the other not, when the one so compelled might think it inequitable?—Yes.

1099. Does it not appear by the Fifth Report of the Church Estates Commissioners, that between 1851 and 1855, nearly four years, there were 527 transactions of enfranchisement with 2,300,000 *l.* the value of the fee of the property which had been dealt with; and in a subsequent part of the Report does it not appear that in one year there had been 300 cases of enfranchisement, which is nearly half the whole number of the former four years?—It is so.

1100. And with regard to the value; that 1,000,000 *l.* which was the value of the fee, was the subject of transactions in that one year, which is one-third of the value of the transactions in the four preceding years?—It is so.

1101. Then would it not be a fair inference to draw from that, that the voluntary process was clearly working well, and to the satisfaction of both parties?—I think so.

1102. Consequently, would it not in your opinion be disadvantageous to interfere with that voluntary process, unless you saw some strong objections to the continuance of it upon other grounds?—Yes.

1103. Mr. *E. Denison.*] You mentioned the other day, that though no plan had been prepared for handing over a settled landed estate to a see, a plan had been considered for handing over a settled estate to a chapter, I think?—Yes, in the case of the Chapter of York which is before the Committee.

1104. You were about to describe how it was proposed that the chapter should manage a landed estate handed over to them?—It was proposed that they should have it under their own control, as the correspondence shows.

1105. What amount in landed estate is it proposed to give to meet any

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specified income in money; for instance, supposing that a bishop at present has the power of receiving from the Ecclesiastical Commission 5,000 *l.* a year, what have you considered would be equivalent in land to such a right to an income in money?—Every case would depend upon its own circumstances. You can see the proportions in the case of the commutation of that chapter, and every case of the provision of a permanent estate must depend upon the character of the estate which is provided.

1106. Can you take any average sort of estimate?—I think that the best answer I can give is to refer to the precise case which has been put in for the purpose of showing the operation of cases of the kind. As to the proportion between the income and the estate to be provided, I do not see that there would be any difference in that proportion between the case of a see and the case of a chapter.

1107. What is the case which you refer to?—In a case which has been put in, the total gross income proposed to be provided is 4,823 *l.* The annual sum to be provided is 4,410 *l.*

1108. Leaving the difference for management and casualties?—Yes, and outgoings.

1109. Would not there be a considerable difference between handing over an estate to a chapter and handing over an estate to a bishop?—I think there is.

1110. I thought you said that there was not?—There is a considerable difference between the two cases; but I do not see that there is any difference at all in the proportion which the gross value of the estate should bear to the actual income, which I think was the question that I answered before.

1111. Taking that sort of proportion, what do you think would be an adequate compensation to a bishop who now has the power of receiving 5,000 *l.* in money, free of deductions, in an estate subject to all the chances and casualties to which property is exposed?—He would always be able to exercise his option whether he would receive it under the existing arrangement, and if he accepted the control of the estate he must accept the hazard of an increase of income or a decrease of income.

1112. What do you consider would be an equitable proportion?—In that case I should suppose that if it included agency there would be a difference between the two of about 13 or 14 per cent.

1113. Lord *R. Grosvenor.*] That is to say, it must produce 13 per cent. over and above the stipulated sum?—Precisely so.

1114. Sir *J. Graham.*] No such transfer having yet been completed, the precise conditions necessary to be imposed upon the transfer have not been considered, much less settled by the Estates Committee?—Certainly. There have been no such conditions settled.

1115. Would it not be necessary to have careful conditions appended to the transfer with reference to the cropping of the estate transferred?—There is no doubt that any such transfer would have to be most carefully considered in all its details by the Estates Committee.

1116. If there were no such conditions with respect to cropping, immediately upon the transfer the estate might be cropped out, and soon become a *caput mortuum*?—Yes; but if the occupant of the see had any expectation that he should continue in the see, he would be doing an act most injurious to himself.

1117. But short of the extreme case of cropping without any limitation, still there might be for temporary convenience such cropping allowed as would be extremely detrimental to the corpus of the estate?—That is so.

1118. Therefore upon the transfer the conditions must be very carefully considered by the Estates Committee?—Certainly, in every respect.

1119. And your advice would be taken probably, and you must give that subject mature consideration?—It would certainly have to be extremely maturely considered by the Earl of Chichester and the other gentlemen, and also by their officers.

1120. Mr. *Walpole.*] Will not that lead to this consequence, that when the estate is transferred, either the Estates Committee or the Ecclesiastical Commissioners must have the management of the estate, or the control of the management of the estate secured to them to a great extent?—I am unable to give any opinion on the precise kind of conditions which would be attached to the transfer.

1121. Sir *J. Graham.*] The chapter demands a guarantee against loss?—It does so.

1122. It

1122. It would be the duty of the Commissioners to take precautions against detriment to an estate by bad management?—Yes, in the case of a see.

1123. Mr. *E. Denison.*] Would not there be a possibility of an occurrence of this sort happening, that if difficult times for farmers were to take place, the farms might be thrown on the bishops' hands, and he might have to find capital to cultivate them himself?—Such a contingency is possible.

1124. That would be, on many accounts, very inconvenient. In the first place, the bishop's time would be better spent in many other ways than in cultivating his own farm?—That is so.

1125. Lord *R. Cecil.*] Do you think it would be possible to provide any supervision which should secure the estate against the detriment of which you have spoken, without practically taking the management out of the bishop's hands altogether?—I think so. I think there can be such a system contrived.

1126. Sir *J. Graham.*] Was not the cause of the present system of leasing the Church property a desire to prevent the depredation consequent on occupation year by year?—I think hardly so.

1127. Was not it to give the tenant a beneficial interest in the occupation?—I should suppose it was rather introduced with a view of increasing the income of the occupants of the sees and the chapters at the time.

1128. Mr. *E. Denison.*] On the question of management by the Ecclesiastical Commissioners of those properties which are in their hands, what do you consider to be a proper and reasonable interest upon outlay for buildings?—Five per cent.

1129. I do not know whether since the meeting of this Committee, the other day, you have had time to look into the Norwell papers at all?—No. I think the understanding was that I should abstain from looking into the details, and that Mr. Denison should have an opportunity of examining my partner.

1130. There is a general result in this paper; I will just ask you as to the general result. The last words in the paper say, "The value of the Commissioners' property exceeds 80,000 *l.*," but the annual value is 1,885 *l.*; therefore, that is estimating it at 42½ years' purchase?—That 80,000 *l.* refers to the whole estate as it originally stood. Some parts of it have been sold off; part of it to Mr. Denison himself, and other parts to other persons; the 80,000 *l.* is the value of the estate which came to the Commissioners in fee simple at a time when it was in the hands of 60 or 70 lessees.

1131. Sir *J. Graham.*] You have been asked questions with reference to the conversion of voluntary enfranchisement into compulsory; the object of that alteration would be to expedite the enfranchisement?—It is so.

1132. If that were much accelerated, would the present system of the administration of the Church property by the Ecclesiastical Commissioners and the Estates Committee, with their present machinery, be any longer possible?—I think it would be extremely inexpedient to extend it suddenly to any great degree; I think that the suggestion which I threw out on Tuesday, of making the terms certain all come to an end, would hasten the action as much as can be safely effected.

1133. Have not the transactions which have taken place within the last two years with reference to purchase and sale, been as numerous as with due consideration could have been met by the Estates Committee?—I think they have; at the same time every transaction carried out tends to enable other transactions to be carried out more easily.

1134. And that very process which you describe points to a gradually progressive enfranchisement, rather than to a sudden compulsory one?—Most certainly.

1135. Mr. *J. A. Smith.*] Is not the making the term certain which you threw out in your last day's evidence, in fact, making compulsory the enfranchisement upon the tenant and not upon the Church, he having the choice between the enfranchisement and the loss of his property?—Not so; it would act to a great extent as a compulsory power in a sense, after some time, upon the Church.

1136. But the compulsion would be wholly upon the tenant, and not upon the Church?—Not so.

1137. Mr. *Walpole.*] It would be on the Church rather than on the tenant?—It would be on the Church in a degree after the first three or four years.

1138. Mr. *J. A. Smith.*] If I understand you, you mean that at a certain

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period now to be fixed, all the interests of persons holding under the Church should terminate?—That is so.

1139. Does not it follow from that, that there is a strong additional motive to any tenant to enfranchise?—The degree of additional strength given depends on the degree of certainty which there is under existing circumstances of the continuance of the existing system.

1140. But those motives affect the tenant only, and not the Church?—They also affect the Church.

1141. How?—Because if the term is not to be extended beyond a certain time, after the expiration of a certain time the Church must cease to renew, and consequently the sees and the chapters would not be able to renew, and would not have their usual fines.

1142. Would such an arrangement or scheme be possible without an arrangement made with the Commissioners for the supply of income to the Church in the meantime, if renewals did not take place?—The interval of three years or four years, which would pass before the change would operate upon the sees and chapters, would probably be so used as in fact to prevent its operation at all.

1143. But would it be equitable to the Church to make such an arrangement without making a provision for a disappointment of those expectations?—Perhaps it might be desirable to make such an arrangement.

1144. Therefore that scheme which you have shadowed out would affect the interests of the tenant in reference to enfranchisement more than the Church?—As much as the Church; not more than the Church.

1145. Are not the Church large holders of copyhold rights as lords of the manor?—They are so.

1146. Are they subject to the provisions of the Copyhold Enfranchisement Act?—If they are copyholds either arbitrary or upon fines certain.

1147. They are then liable to the provisions of that Act?—They are.

1148. Therefore they can be compelled to enfranchise?—In those cases they can.

1149. Is there any similar right conferred upon them, to compel the tenants to enfranchise?—Certainly there is.

1150. Under the Copyhold Act?—Under the Copyhold Act: it is open to either party under the Copyhold Act; the compulsory power applies equally to each party.

1151. Sir *G. Grey.*] How can you compel a man to buy; suppose he has not got the money?—You can have a charge upon his estate, and it is so provided under the Copyhold Act.

1152. *Chairman.*] Might not you, if a lessee declined to enfranchise his land, compel him to sell his leasehold interest?—Is your Lordship speaking of the Copyhold Act.

1153. I am not speaking of the Copyhold Act; I am speaking of any plan for compulsory enfranchisement.

1154. Sir *G. Grey.*] If the tenant refused to buy because he had not the money, could not you compel him to sell?—I do not apprehend that he would advocate that course, because although it might happen that he had not the money to-day, it is very possible that he might have an expectation of it after a time; he might have expectations; it would be extremely hard if he was obliged to sell because he had not money at the moment, and half a year afterwards he might have it.

1155. The question had application to the compulsion upon the tenant?—I confess that I think, if you entered upon the question of compulsion at all, you would find great inconveniences on all sides.

1156. Mr. *J. A. Smith.*] Would it be more inequitable to follow a scheme such as that suggested by the Chairman, and to compel the tenant to sell, than to fix a term against his will at which his interest is to cease?—I think so.

1157. Why?—Because, if you fix a term which is a considerable distance off, he can make his arrangements in the interval. In the other case you call upon him to sell his interest to-day.

1158. Then it would not be inequitable to compel him to sell if you gave him sufficient time to prepare for it?—I am not prepared to concur so far as that.

1159. Mr. *Ingham.*] In many cases, has not a lessee a special family or personal regard for his house or his property which would induce him, if you allowed him time to look about him, to give something more than that which might be

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the pecuniary value of his property, in order not to be disinherited from old possessions?—I have heard of such cases.

1160. Is the fixing the time for enfranchisement or surrender so advisable a course for both parties, as the system of allowing them to renew under the ecclesiastical corporations, so long as the ecclesiastical corporations think fit, and increasing the temptation to both parties to make voluntary bargains?—I do not exactly understand as to increasing the temptation to both parties. I think the holders of Church estates have, except in the particular case I have named, adequate temptations now.

1161. When I say the temptation, I mean increasing the facilities?—Increasing the facilities, decidedly.

1162. And leaving it to the operation of these increased facilities to carry into effect the extensive commutations of leasehold or freehold land, either in the hands of the Church or of the tenants, and in the interim, until the property is transferred to the Ecclesiastical Commissioners, allowing the several corporations to deal with the tenants as they hitherto have done?—I think so, as the case stands at the present time.

1163. Lord *R. Grosvenor.*] Do you find that in the transactions of the enfranchisements which have already taken place both parties have been gainers?—Most certainly.

1164. Mr. *J. A. Smith.*] Have you any suggestions to offer with reference to further facilitating the arrangements at present going on?—No, I do not know that I am in a position so to do. I rather came for the purpose of giving any explanation which might be required as to the proceedings of the Estates Committee and the Church Estates Commissioners up to this time; and the suggestion which I threw out on Tuesday was, of course, a suggestion of my own, without proceeding any further.

1165. You have nothing to add to it in the same sense?—Not at the present time.

1166. Mr. *Ingham.*] I see you have before you the Eighth Report of the Commissioners. In Gateshead the Bishop of Durham has transferred a particular estate, retaining the rest of the episcopal property; is not that an arrangement which greatly facilitates enfranchisement, not requiring the episcopal or the capitular body to part with their entire property, but enabling them to put under your management any particular property which is attended perhaps with some intricacy?—That is so. The case referred to is that of an estate of considerable size and of a peculiar character; it has on it houses and wharfs and buildings; it is of a very peculiar character altogether; consequently, the See of Durham transferred the estate to the Ecclesiastical Commissioners on an agreement that it should receive from the Ecclesiastical Commissioners in future precisely the same sum which it had received heretofore; the only object in the transfer being for the purpose of facilitating arrangements with regard to the holders upon that estate. There was not any other object in view.

1167. I am aware that it is a most desirable arrangement. I only instance it as an example of what might be done in the way of facilitating enfranchisement, taking particular estates out of the management of the episcopal or capitular body, where there was any great difficulty?—I think that might be desirable wherever the estates are of considerable size, and of a character to call for any peculiar kind of consideration. I do not think it would be expedient to enable the transfer of a holding of six acres, or anything of that sort singly, which has been proposed.

1168. Mr. *J. A. Smith.*] Are you cognizant at all of any material and unquestionable improvements which have taken place in property which had been Church property, and has since been enfranchised?—There have been such cases, but I am scarcely prepared to mention them at present. Such cases have certainly occurred.

1169. Mr. *Walpole.*] I think the effect of your recommendation was to give, in fact, to the lessees a 24 years' term?—Almost that from this time.

1170. I see by an answer which you gave to Lord Robert Grosvenor the other day, that out of the 35,000,000 *l.* of Church property which belonged to ecclesiastical corporations, the transactions already effected extend to about 7,000,000 *l.*?—Yes, from 6,500,000 *l.* to 7,000,000 *l.*

1171. That is one-fifth of the whole?—It is.

1172. Then in five years the transactions have covered one-fifth of the whole

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of that species of property?—Four years. There was scarcely anything done until the spring of 1852. The Act passed in the previous autumn, and it was some time before the machinery could be so put into shape as to make it operate to any considerable extent.

1173. And you are going on in a greater ratio now than the rate at which you commenced?—I think it is certain to go on in a higher ratio.

1174. Then if that is so, before the 24 years have expired you will voluntarily have effected the complete enfranchisement of the whole of the property?—I answered almost immediately after the answer which has been referred to, that I thought it would be carried out in 16 or 18 years.

1175. Then that would be an additional reason why you think compulsory powers are not immediately required?—That is so.

1176. Mr. *J. A. Smith.*] Am I right in supposing that the tenants under an ecclesiastical corporation who decline now to enfranchise are in a very much worse position than those under the corporation who are willing to enfranchise, inasmuch as their time has run out at which they can get any recognised increase for their right of renewal?—No; they all stand in the same position until two years hence, until the expiration of the cycle of seven years.

1177. At that period the parties holding under corporations refusing to enfranchise will be much worse off than the others?—If the corporations refuse to enfranchise, after that period they will be much worse off; but the interval affords an opportunity to ecclesiastical corporations who have hitherto hesitated to go on, to proceed under the Act; and I am in a position to say, that some corporations whose names are altogether absent from these reports are now in the course of negotiation with their lessees. I see lessees under such corporations behind me.

1178. But my view is correct, unless those corporations do change their mind?—I can scarcely call it changing their mind.

1179. Their system?—They may change their system; but I am not at all surprised that ecclesiastical corporations have hesitated at proceeding until they saw the result of the transactions which have been effected.

1180. Mr. *Ingham.*] If they should continue to decline making use of the Act, it constitutes one of those cases of hardship which I think you said ought in some respects to be provided for?—It is so.

1181. *Chairman.*] In regard to local claims, I understand that it is only those rentcharges which are in the hands of the Commissioners that are subject to the provisions relating to local claims contained in the 67th section of the Act in the 3d and 4th years of Her Majesty?—That is so. I think I can hardly answer as to the operation of the Acts; the secretary is in the room, who understands the Acts of Parliament better than I do. I can only answer as to the estates, and the estates' transactions.

1182. With respect to any local claims on rentcharges which belong to the incomes, either of sees or of other ecclesiastical corporations, those local claims cannot now be satisfied, and are not satisfied by the provisions of the Act in force?—I think that under certain Acts the corporations have themselves the power of considering them; but, as I said before, I speak with great diffidence upon the subject.

1183. I understood you to state that the amount of those rentcharges in the hands of ecclesiastical corporations was 400,000 *l.* a year net income?—The 400,000*l.* a year included the proportion which is in the hands of the Ecclesiastical Commissioners as the representatives of the deans and prebendaries; and if your Lordship will turn to Answer 778, you will see that I have there put them under the separate heads of, the Bishops, the Chapters, and the separate Estates. Then you must remember that in all those cases there is an outstanding leasehold term existing.

1184. You stated in that answer that the bishops' tithe rentcharge would be 112,000 *l.*, the chapters' 182,000 *l.*, and the separate estates 106,000 *l.*?—Yes; but all of those are subject to the outstanding leasehold interest. They are not in possession at the present moment.

1185. Supposing that estates in land were allotted to the bishops' sees and to the other ecclesiastical corporations, all these rentcharges would then come into possession of the Ecclesiastical Commissioners?—Yes; but I do not apprehend that there is any intention (or at least it has not hitherto been assumed) that the whole of the episcopal and capitular estates are to be in acres. I apprehend that they

they would all have, as in the case which I have so often mentioned, a tithe rentcharge, or some tithe rentcharges, of a high character.

1186. Then supposing the tithe rentcharge to be part of a bishop's income, (take the case of the Archbishop of York, for instance, and the tithe rentcharge which he receives from Whitby,) the local claim in that case would not be satisfied?—In the case instanced I think you must enter into the circumstances, for the case is wholly inconsistent with the question which your Lordship has put. The case which your Lordship refers to is held by an outstanding leasehold term, and consequently the archbishop has not any income from it except some 15 *l.* or 17 *l.* a year reserved rent.

1187. Still, generally speaking, when those rentcharges come into possession of the Ecclesiastical Commissioners, they will be subject to the local claims?—Certainly.

1188. And in the same way, if they are allotted as part of an archbishop's or bishop's income, will not they be allotted with a claim upon them?—I should apprehend that such property would hardly be assigned as part of an episcopal or capitular income. The tithe rentcharge which has been assigned in the case that I have so often referred to is a tithe rentcharge where there are few inhabitants, and before its assignment the income of the cure was increased considerably in proportion to the number of inhabitants. It would be exceedingly inconvenient to assign as the income of either a see or a chapter any tithes which are subject to any such incidents as in the case which your Lordship mentions, and it would not enter for an instant into the consideration of the Estates Committee.

1189. Supposing that to be the case, the tithe rentcharges upon which there were local claims would be all, in fact, ultimately in the hands of the Ecclesiastical Commissioners?—That is so.

1190. And would not the satisfying of those local claims in all probability very much diminish the amount which you have stated would be the surplus of the 250,000 *l.* to the Church?—It would constitute an appropriation of that surplus.

1191. Might it not constitute an appropriation of that surplus to the extent of 150,000 *l.* or 200,000 *l.* a year?—It is a very difficult question to answer off-hand, but it would certainly appropriate a very considerable proportion of that surplus.

1192. Supposing, therefore, the Ecclesiastical Commissioners to satisfy those local claims, there would be a great diminution of the supposed surplus, and if they did not satisfy them there would be considerable dissatisfaction in the places from which the rentcharges arose?—Certainly, a great deal of dissatisfaction.

1193. Lord *R. Grosvenor.*] That in a certain sense would not be a diminution of the common fund to which the surplus is carried over, inasmuch as it would be raising the value of small livings, would it not?—It would be an appropriation of it to a certain particular object instead of its distribution generally over the country.

1194. Sir *J. Graham.*] It would be an absorption which would take a large portion of the annual increase of the common fund from the purposes of meeting the spiritual destitution of large cities and dense populations?—Precisely so; for instance, in the Henllan case which Mr. Chalk mentioned, the income which came into possession was some 1,300 *l.* per annum, and I think that hardly 300 *l.* per annum goes to the other purposes of the common fund; all between the 300 *l.* and 1,300 *l.* goes to Henllan itself.

1195. Lord *R. Cecil.*] But that was for the relief of spiritual destitution, was it not?—It is equally so in either case. In the first case the appropriation was to certain objects, in substitution of its appropriation to objects in general.

1196. So that in any case it is a loss to the Ecclesiastical Commissioners?—It is a diminution of their funds.

1197. Sir *J. Graham.*] The difference is between a scattered and rural population, and a dense town population?—In the case instanced, its appropriation would not be to an agricultural population, but it would be to a town containing some 15,000 inhabitants.

1198. Which case is that?—Whitby.

1199. Sir *J. Pakington.*] And it is only so appropriated, I apprehend, because that has been considered the most legitimate application of such a surplus?—Of such portion of that surplus as arises from tithes.

1200. Sir *G. Grey.*] Is not that place preferred to any other, not because the spiritual exigencies of that place are greater than those of any other, but because the tithes arise within that particular place?—That is so.

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1201. *Chairman.*] Is there not a feeling of injustice with the Committee when a considerable amount of rentcharge is taken away from a parish, and applied to furnishing the income of a bishop, or of a dean and chapter?—Yes; and under the existing system that has always been the case; under the future system, I apprehend that rentcharges subject to such appropriation would not be chosen as part of the permanent income of a see or a chapter.

1202. Therefore, what is felt as an injustice would be remedied?—It would be entirely remedied.

1203. Mr. *J. A. Smith.*] You did not seem to feel the same hardship where the revenue taken from a parish arose from land or minerals?—That must have been in Mr. Chalk's evidence. I have not been asked any question upon the point.

1204. Do you see any distinction between the two?—I think there is a great deal of distinction.

1205. Between a rentcharge and land or minerals?—Yes.

1206. Sir *J. Graham.*] If the relaxation which you have recommended with regard to outstanding leases on short terms were granted, would not that act as a bonus upon enfranchisement?—It would.

1207. And accelerate without compulsion the voluntary scheme now in operation?—It would do so. I beg to observe, that I have been answering so far with regard to the Ecclesiastical Commissioners almost wholly. Acting on behalf of the Church Estates Commissioners, there are certain cases in this return in which the proposals have been refused to be approved. Here have been nine such cases out of the whole number; and as I think that perhaps in some of the cases the persons interested may be anxious to come before this Committee, I would suggest the expediency of your having certain returns in which the details of those cases are set out exactly, as you have certain returns respecting the commutation of the Chapter of York, and the two arbitration cases, and the other cases. I should not propose to hand in the whole of them, but I think there are some of them which open up certain subjects which you are pretty sure to have before you from other parties, and that it would be desirable to have in print how they have been treated.

Vide Appendix, pages 424. 432. 443 and 449.

1208. Why not all?—All, if the Committee choose. I was only apprehensive of there being more than the Committee would wish to have.

1209. Is it very voluminous?—These will be the whole (*producing the same*). In case the whole should be considered too voluminous, I would put in four cases.

1210. Are those fair samples of the whole?—Yes, certainly; of the whole nine.

1211. Mr. *Ingham.*] I think that out of the nine three have now been adjusted, and that only six have gone off altogether?—No; there were six old ones, and three new ones. Out of the new ones two occurred only a short time ago, and those cases are pretty certain to be settled; but with respect to these other cases, each of these four opens up a principle of acting in certain cases.

1212. Sir *J. Graham.*] Are the negotiations closed?—Yes; and as they are set out as cases of refusal, I think it would be more satisfactory ultimately if you had them in print.

Vide Appendix, page 413.

1213. Mr. *Ingham.*] Will you put in one of the cases where the negotiations have ended effectually, and the parties have agreed with you?—I shall be most happy to do so; I have not such a case here; I will insert a case out of the number refused at first, and afterwards altered and approved.

James Jell Chalk, Esq., called in; and further Examined.

J. J. Chalk, Esq.

Vide Appendix, page 292.

1214. Lord *R. Cecil.*] I WISH to ask you with respect to a return, which I asked for, I think, two meetings ago, of the cases in which the Ecclesiastical Commissioners being in possession of the great tithes of the parish, have refused applications for spiritual aid?—A return of all the tithes in the possession of the Commissioners, and the mode in which the local claims have been dealt with, is being made out.

1215. And will be placed before the Committee after the Recess?—Yes.

1216. Mr. *Walpole.*] With regard to the other return asked for by Lord Robert Cecil, I believe it will require some time to make out that return accurately, and the Committee will have it after Easter?—That is so.

1217. Mr. *Mowbray.*] In addition to the other returns from Durham, will you produce

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produce the correspondence relative to Holy Island?—May I take the liberty of suggesting whether, in such cases, it would not be better if Mr. Mowbray would be kind enough to come and see the papers at our office, in order to judge whether he really does want them, because some of them are of a kind that I think it would be of no use to have printed; I will take, for instance, the case of St. Margaret's, Durham, which has been asked for. In that case the chapter asked the Commissioners to consent to an augmentation which the Act of Parliament under which the augmentation was to be granted would not justify; it was not lawful to make so large an amount of grant as they proposed. The Commissioners pointed out that inaccuracy, and stated that they were quite ready to consent to the proposal so far as the Act of Parliament allowed them, and that has, been carried out. There is nothing in the case, as it seems to me; it was an application from the chapter to the Commissioners, and the Commissioners consented to it so far as the law allowed them.

Vide Appendix, page 329.

1218. *Chairman.*] Did the chapter complain of this afterwards?—No; the chapter were quite satisfied. Mr. Mowbray has requested that the correspondence upon this case should be put in, and it seems to me that it is really going to a great expense for no purpose; I have two cases here; the one the case of Spenimore, an important case, the details of which I have prepared and will put in; the other, the case which was called the other day, the Shotley Bridge case. I could not find it under that name, but have found it under the name of St. Cuthbert's, Benfieldside, and it shall be put in. I have also here the file of an application to the Commissioners for a district under Sir Robert Peel's Act, that application was attended to and the district was constituted; the correspondence is very voluminous.

Vide Appendix, page 298.

1219. What case is that?—Belmont St. Giles. I have no desire to keep anything back, but it appears to me to be a pity to put in so much correspondence on which no question arises.

1220. Have you anything further to state with respect to the examination of the witnesses?—I think your Lordship was asking something about the local claims, and the difference between local claims on tithe and local claims on other property.

1221. I did not ask upon that point?—I beg your Lordship's pardon.

1222. It was entirely upon the tithe rentcharge?—It was Mr. Abel Smith who asked the question. The principle upon which the distinction was made was this, that tithe is considered to be the original endowment for the cure of souls, and that it was therefore proper that it should, as far as practicable, having due regard to other circumstances, be restored to the parishes from which it had been taken, but that the same principle did not apply to lands and other property.

1223. Sir *W. Heathcote.*] Does not that point to this, that the Commissioners in the exercise of their discretion should avoid unnecessarily locking up the tithes by handing them back to bishops and chapters, and so depriving themselves of the opportunity of considering local claims?—Up to this time no such case has occurred. The only case of tithe proposed to be restored to a chapter is that which was instanced by Mr. E. J. Smith, and in that case I believe that sufficient provision has been made for the cure of souls, and so I have no doubt it would always be.

1224. Sir *J. Graham.*] Henceforth great caution must be observed in the transfer of such rentcharges?—Clearly so.

1225. Who is the actuary consulted upon all disputed points of outstanding interest, and so on?—Mr. Yool is the actuary who advises the Board.

1226. In all cases of difficulty with respect to outstanding terms he is consulted?—He is.

1227. Since the Lords' Report there has been an alteration of the tables?—Mr. Yool has constructed a set of tables based upon the directions of the Act of Parliament of the Session before last.

1228. And the tables which gave so much dissatisfaction to the lessees are not the tables now used by the Committee?—They are not.

1229. That provision in the Act with reference to the tables has been complied with and is in constant operation?—It is so.

Veneris, 4° *die Aprilis*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Ingham.
Sir George Grey.	Lord Robert Cecil.
Sir John Pakington.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

John Pickering, Esq., called in; and Examined.

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1230. *Chairman.*] YOU are one of the agents to the Ecclesiastical Commissioners?—I am.

1231. Mr. *Walpole.*] Are you in partnership with Mr. Smith?—I am.

1232. *Chairman.*] It has been given in evidence that you conduct for the most part the details of the management of the estates vested in the Ecclesiastical Commission, and of the Norwell Estate in particular, is that so?—That is so.

1233. Will you describe that particular estate?—That estate comprised about 1,750 acres, and when it became vested in the Commissioners it was held by 73 beneficial leases in the hands of 60 lessees under the Prebends of Norwell Overhall, Norwell Pallishall, and Norwell Tertia, and under the Chapter of Southwell. The tenants' occupations varied from one acre to two hundred acres; the latter, that is, the larger ones, being generally scattered over the whole parish. At present only six lessees have not agreed to enfranchise, and some of those have special reasons. The Commissioners have in possession about 1,300 acres.

1234. Is there any other estate vested in the Commissioners of a similar character?—I am not aware of any other; I do not think any other exists; certainly not in the northern district.

1235. These circumstances, therefore, constitute this an exceptional case?—They do so. There were many small holdings as well as large farms which were at most inconvenient distances from the homesteads. It was quite possible to remedy these defects with much advantage to the tenants, and so as to render the whole property more profitable.

1236. To what document can the Committee refer relative to the management of the part of the estate which has been brought into possession. There is a Report, dated the 21st of October 1850; is that the basis of the management?—That is the basis of the management. I refer to the Return which I hold in my hand, page 375 in the Appendix. That Report has been made the basis of the subsequent dealings with the estate, as between landlord and tenant.

1237. It has been stated that some of the occupiers have received notices to quit without the previous sanction of the Commissioners; is that so?—Yes. Seven or eight such notices have been given without special sanction. That extends over the last five years.

1238. You are speaking of the Norwell Estate?—I am.

1239. Has it been generally the practice to give notices to quit without taking the opinion of the Commissioners previously?—We altogether confine ourselves in this case to the intimations of the Report.

1240. Is that practice of giving notices to quit, without the previous consent of the Commissioners, a common and usual practice, and one which you would advise?—I should say not generally for a public Board. A large discretion must be allowed to an agent to enable him to meet the exigencies which arise in the course of practice; and I think, in the management of private estates of any considerable magnitude, it is by far the most usual course to confer such power on the agent.

1241. Do you conceive that such a power was accorded to you by the Commissioners?—Certainly we did. It seemed to us that the general instructions to carry out that Report superseded the obligation to ask for separate authority in each case.

1242. You

1242. You conceive, therefore, that the Report of 1850 being approved by the Commissioners, you had authority to act in such cases?—To carry out the directions of that Report, and from time to time the fact that we were acting according to that Report was under the notice of the Commissioners. There is an instance of that which occurs in the return to which I have before alluded. It is in the Report of the date of the 18th of April 1853.

1243. Will you state that part of the Report?—The Report states this: "Drury, one of the tenants on the estate, late Wylde's, at our last audit signified a wish to relinquish his farm, and as it will be to the benefit of the estate that this farm should be broken up and attached to Knight's and Pearce's, we have given him notice to quit. Upwards of 100 acres will be laid to Knight's, superseding the necessity for a considerable expenditure on Drury's, which will now merge in the estimate for Knight's."

1244. Is that a single case in which a tenant signified his wish to relinquish his farm, or were there other cases?—We have had no other case.

1245. On the other hand, have any of the occupiers complained to the Commissioners of the notices which they have received?—Certainly not; and I think I may allege that only one tenant, namely, Joseph Curtis, is dissatisfied now, and he did not manifest a disposition to stand out until after the first meeting of this Committee. I have reason to believe that he has since been in communication with Mr. Denison, and with parties employed by Mr. Denison, who have been over the parish to ascertain if any of the tenants are disposed to complain, and I believe that no other tenant will be found so disposed.

1246. What steps have you taken since you heard of the disposition to complain?—I have viewed the whole property again, and I have also requested some gentlemen of high standing, Mr. Thomas Beasley of Harston, and Mr. Harvey of Balderton (gentlemen whose names it is quite sufficient to mention), to view the property, and they are here, if the Committee think it expedient to hear them, to state their opinions. I may add, that the tenants I have found in the course of my recent visit to the parish were anxious to render a testimonial to the Committee in my favour, but I deemed it more respectful to request them to abstain from doing so. I received a distinct intimation that they were quite ready, with the single exception of Mr. Curtis, to render me such a testimonial, but I felt that I ought not to make it a personal question, and I therefore declined to avail myself of it.

1247. Were these notices given with a view to increase the farms and to diminish the expense of repairing homesteads?—Exactly so; with a view, in point of fact, to those modifications which were some of them substantively set out in the Report of 1850, and others which have resulted from the more recent acquirements of property. The estate at the time of that Report was only 850 acres, and it is at present 1,300.

1248. Will you state the leading suggestions of the Report of October 1850, to which you have referred?—They were those of draining, and of the improvement of the buildings and the re-distribution of the farms to which I have previously alluded. As to the latter, namely, the re-distribution of the farms having respect only to the 850 acres, which at that time were in possession, the precise modification to each farm was suggested in the Appendix; but it was stated that other acquisitions of property might make further modifications advisable, and that in subsequent purchases reference should be had to the re-distribution which was proposed.

1249. Will you now state in what manner those recommendations have been carried into effect?—In order to make that which I may have to state quite clear to the apprehension of the Committee I have prepared two plans. (*The Witness delivered in the same, vide Plans, Nos.* XI. *and* XII., *at the end of Appendix.*)

1250. Will you now refer to those plans?—The lands coloured yellow are still out on beneficial lease; all the other coloured lands are in the possession of the Ecclesiastical Commissioners. The plan No. XI. shows in each case, by a distinct colour, the occupations as they were held when the several properties came into possession. The plan No. XII. depicts them as they are to be appropriated from Lady-day 1856, with one exception. I am quite aware of the perplexity of the arrangement of the plan, but I think the effect of it will be easily understood by attention to the two parts coloured respectively blue and pink in the plan No. XII., and the corresponding parts in the plan No. XI. Those two parts, the yellow and the blue, are the largest holdings; the pink is that of Curtis, 335

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acres; the blue is the tenant, Knight's, 221 acres. It will be seen that each of these farms now opens on one public road only; and also, it will be seen by looking at the plan, No. XI., that they were formerly intersected by several small holdings. Curtis had 30 acres of land, at a distance of from a mile and a half to two miles from his homestead; he now has, instead of it, land of as good quality less than half a mile from it. The 30 acres so given up by Curtis were attached to a farm distant only one-sixth of a mile instead of a mile and a half or two miles, and the smaller tenants have been removed from lands distant a mile and a half, and accommodated with better lands from a quarter to three-quarters of a mile from their dwellings. There is now no small occupation beyond a distance of three-quarters of a mile, and scarcely any so much as three-quarters of a mile. In my verbal statement I have only illustrated the subject by those two or three instances, but the observations are applicable to a multitude of cases; one tenant (who is an instance of a class) occupying 13 acres of arable land, for which he kept two horses, has given them up for grass-plots, adapted to keeping two cows; I say he has given them up; I think I may as well state at once, that he has not given them up without some strong remonstrance from me to enforce his doing so.

1251. Has the whole number of tenants diminished or not?—The number of tenants is about the same as it was in 1850; the number of acres it will be seen is 1,300, instead of 850, and the larger farms are increased, and there is an increase of comfortable cottages; out of two farm houses which had been rendered no further applicable to that purpose, we have constructed five convenient cottages. I beg to explain that the number of tenantry has thus been kept up at the same time that the farms have been consolidated.

1252. In these exchanges how did you adjust the rents?—I desired to avoid the possibility of misapprehension on the part of the tenants, or the suspicion that any injustice would be done to them, and I employed an eminent tenant-right valuer in the district, Mr. Denman, who has been accustomed to advise in settling the rents of other properties in the neighbourhood, to fix the value of each field in the relative proportion to whose valuation the aggregate rents were adjusted; the aggregate of the rent was not varied, but an adjustment was made upon his valuation, except that in one case in which the lands given up were highly cultivated. I gave the tenant the advantage of 10 per cent. in the exchange. Mr. Denman, who is known and was then, and is still, I believe, respected by all the tenants, was at my suggestion employed to effect the tenant-right valuations. I was desirous that there should be no collision among themselves any more than that there should be a collision between them and me, and if the Committee will permit me, as it will occupy but two or three minutes, I beg to read the instruction which I gave to the valuer, which I hope will show that every possible regard has been had to the fair and reasonable claims of the tenants; I will only detain the Committee upon two pages of it, although it extends to four or five. The instruction which I gave to Mr. Denman was this: after specifying the particulars of the lands, I said, "It is probable that before Lady-day 1855 the whole of the tenantry will be put upon agreements which will include some changes in their future tenant-right valuations. That period therefore will be the proper one for the final adjustment amongst themselves, and I have informed them that such of them as continue tenants must refer themselves altogether to your decision among them, as also they must do as to the compensation, if any, that they ought to receive for such changes of tenant-right as we may determine on. But it is a question for consideration, and one on which we should like to have your views, whether as to the changes of land which are already determined on, it is not advisable that all acts of husbandry after harvest, or at all events from Michaelmas, shall be performed be the tenants who will have the lands from the following Lady-day, instead of by the tenant who is leaving them; an end cannot too soon be put to the vicious system of the outgoing tenant (as Drury has too largely done) performing acts not for the benefit of the incoming tenant, but merely to make a longer inventory; and especially when the changes of tenancy are, as in this case, brought about merely by a transfer of lands amongst themselves; it is absurd as well as vicious. As we intend to offer Taylor a farm which we think will be an eligible one on the estate, the remark will apply to all lands which will be the subject of change. Mr. Curtis was of opinion that if he were not permitted to crop some of the lands which he will leave at Lady-day 1855, in a way which, in our opinion, would be very detrimental to the estate, he should suffer loss in the process of effecting

effecting the exchanges. Without an investigation into the whole of his ordinary system of cultivating his farm, this question cannot be determined; we also have suggested to him, and shall require that this question be referred to you, and in order to it, we proceed to give you a statement of all the changes in his holdings." And here I will take the liberty of stating, that Mr. Denman at that time was better known to the Curtises than he was to me, and was their intimate personal friend. Then I go on, "Intimating to Mr. Curtis a year or more ago, that we should require the surrender of numbers 408, 409, 410, and 411," (they are half way up, at the left-hand of the plan), "he said that they were the best land, and in the best condition of any on his farm, and we therefore said, that we should allow him to occupy them for two further years, expiring at Lady-day 1855, and should not object to his occupying them in such a way as, having regard to the quality of the land and the state of cultivation, should leave them in a fair average condition. He therefore cropped the whole in 1853, and was about to do the same in the present year" (the year in which I was writing), "but this would so much interfere with our plans for the estate that we required of him that he should at once give up No. 411 to Mr. Pearse, and that he should fallow No. 408, leaving it to you (having respect to the due rotation of the farm as a whole, as to which it would not be allowed to him to profit by a departure from it) to determine what compensation, if any, he was entitled to. In order to this it will, perhaps, be needful that you should schedule the cropping for two or three years back in parallel columns, by which means you will discover whether it was necessary to him in the last and present year to crop these four fields, as last year he did, and as this year he purposes to himself to do, and if that were so, what compensation should be made him for being interrupted in the course by our interference as to Nos. 408 and 411. It perhaps is not necessary that you should proceed immediately with this, but we shall be glad that you should at once inform yourself of the circumstances and condition of the principal closes, as I am most anxious that Pearse should proceed with his fallowing of No. 411 for turnips, and which I want as soon as possible to have laid down as permanent pasture."

1253. Mr. *E. Denison.*] What is the date of that?—23d March 1854.

1254. *Chairman.*] What course did you pursue with regard to farm buildings?—In respect to buildings, it already appears in three Reports which have been handed in from the Commission; they are dated the 18th of April 1853, the 7th of June 1853, and the 15th of August 1854. Under the first two Reports works were executed under contracts amounting to 2,000 *l.*; this included the entire rebuilding of the premises attached to Knight's farm (the farm coloured blue on the plan, No. XII.), comprising 221 acres, and additions to the buildings of two other farms. The entire cost of Knight's has been about 1,600 *l.*, the previous buildings having been of the worst description, and incapable of repair. The erection of the new buildings superseded the necessity for restoring Drury's homestead, the repairs of which had been estimated at upwards of 130 *l.*

1255. Will you inform the Committee what extent of drainage has been executed on the estate?—Six hundred and sixty-seven acres have been drained, at a cost of 3,261 *l.*, about 4 *l.* 17 *s.* or 4 *l.* 18 *s.* an acre. By this expenditure the income of the estate has been restored to its present amount.

1256. Do the tenants understand that they may make any complaints to the Commissioners if they have any reason to think that they are not well used?—I can only answer that question by saying that they never have had any reason to suppose the contrary. If any tenant ever had intimated to me a wish to appeal, he most certainly would have been told that he was perfectly at liberty to do so.

1257. Sir *J. Pakington.*] Has the case ever occurred that any complaints have been made to the Commissioners?—I believe not; I think I may say, certainly not.

1258. Mr. *E. Denison.*] I sent a notice, through Mr. Chalk, that I should beg that all the accounts might be made more complete than they are in the printed paper, and that I should have questions to ask you about the accounts; did you receive that intimation?—I saw a note which you forwarded to Mr. Chalk late last night; I am not aware of any manner in which at this stage I can further perfect the accounts; but if the honourable Member will ask me any specific question, I hope I shall be able to answer it.

1259. Are the total expenses which have been incurred upon this estate contained in the printed paper which you have sent in?—No, they are not; some of the buildings for which we took authority in the Report dated the 15th of

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August 1854, have been subsequently carried forward, and the period for rendering the accounts of those has not arrived.

1260. What the Committee desired to know was, up to the period of their sitting, or up to the period of the commencement of this year, what the expenses which had been incurred in Norwell were, and the papers which have been put in are very incomplete?—All our accounts have been rendered down to Midsummer last, and such subsequent expenditure as has taken place in building consequent upon that Report is in a state of preparation for rendering whenever the proper time arrives. We are always ready to render them.

1261. When can the Committee have information of what the total expenses upon this property have been?—I am ready to hand in a copy of those costs at this moment.

1262. Mr. *Walpole.*] Have you given the accounts up to Midsummer last?—Up to the uniform time; up to Midsummer last.

1263. Can you give the gross sum which has been expended from Midsummer last to this time?—The building accounts are continuous accounts. I have them completed down to October, since which time, until the last month, no further building has taken place. I will hand those accounts to the Committee.

1264. Mr. *E. Denison.*] Do the accounts which have been put in give an accurate account of the state of the property at the time at which they were put in?—I think as nearly as possible; there is a further expenditure since that Report of 1854. The expenditure which was then authorised was 669 *l.*, or something of that kind. Those repairs have been carried forward to an amount which, including the former sum, would at present amount to about 1,000 *l.*

1265. In the Report it is stated that the house which lately belonged to Mr. Drury is let to a clergyman?—That was so.

1266. Is that so now?—It is at present vacant.

1267. How long has it been vacant?—It has been vacant from the time when he left it, namely, Lady-day 1855.

1268. The house having been vacant from Lady-day 1855, the information given to the Committee is, that that house is let to a clergyman; that is not an accurate account of the state of the property?—I am not aware at all of such a statement having been made to the Committee; the rental is given only to Lady-day 1855.

1269. The Committee having met, they want to know what the state of matters is at the time at which the inquiry is going on; and that is, in my opinion, for reasons which I can give, an important part of the consideration?—If the information remains defective I am here quite ready to supply the defect. I know of no other case; and, in fact, I do not know of that case, because I do not know to what the honourable Member alludes. I had not seen this return until this morning. I do not know what is included in it. I have looked through the returns in the office which were sent in, and I do not call to mind any such statement as the honourable Member mentions. I will beg leave to ask (if the Committee will pardon me for putting my reply in the shape of a question) whether, at the utmost, it does not amount to this, that this particular house (I think there is no other instance) has been untenanted, as house property too often is, from Lady-day 1855?

1270. Mr. *Walpole.*] Will you turn to page 397 of Appendix, and refer to No. 5 there, and look back to the date of that paper?—The 15th of August 1854 is the date of that paper.

1271. Mr. *E. Denison.*] The impression which that paper would give to the Committee is that that house is let, and it is not let?—I could not possibly anticipate on the 15th August 1854, that in February 1856 this Report would intimate to the Commissioners that a house had become vacant at Lady-day 1855.

1272. I do not know who made these returns, but what I am saying is, that the information put before the Committee is incomplete; whether you made the selection or Mr. Chalk made the selection, the information given to the Committee is incorrect; I want it to be correct; that is the difference?—I certainly am not responsible for this selection, but I believe that it is a consecutive series of papers, which are all that are included under the particular heading to which it relates, namely, "Norwell Estate Management."

1273. *Chairman.*] You state that the information given, that the house was let for the current year 1854, to the Rev. Mr. Claydon, was a fact?—It was a fact, and moreover Mr. Claydon held it with the liberty to continue it a further year, if

if he thought fit, and he was not compelled to signify his determination respecting it until Lady-day arrived.

1274. Mr. *E. Denison.*] The only information we have about that is that the expenses incurred upon that house amounted to 13 *l.* 11 *s.* 3 *d.*?—The expenses for which a vote of credit was taken at that time.

1275. What expenses have been incurred upon that house since?—I think about 180 *l.* in the house and grounds. I am not capable of being perfectly accurate upon it, on the question being placed before me; I dare say it is something between 170 *l.* and 190 *l.*, but I state roundly 180 *l.*

1276. About 180 *l.* has been incurred upon the house since the returns which give the amount of 13 *l.* 11 *s.*, the house being represented to the Committee, as far as any explanation goes, as being tenanted, whereas it is not tenanted?—No, I did not certainly intimate to the Committee that the house was tenanted at the present period. The facts are that the house throughout the year has been offered to be let; tenant after tenant has applied for it, and stated that certain things were necessary in order to render it an eligible residence. I am happy to say that in the course of the early part of the present week I received an intimation from our local agent there that we have a tenant who we think is ready to take it at 25 *l.* a year. The agent had asked 28 *l.* a year, and he had offered him 25 *l.* a year; I have not the letter here; I found it in town when I came up from the country. If that is a detail which the Committee will permit me to go into, I think that an expenditure of 180 *l.* obtaining an additional rental of 9 *l.* a year is not an objectionable one; I trust not.

1277. It is a very good house, is it not?—A good farm-house.

1278. And in a pleasant situation?—Yes.

1279. Marquis of *Blandford.*] Do you contemplate an additional rent after the additional expenditure upon it?—The rental stated in this Return is 16 *l.* a year, and we have been asking 28 *l.* a year; and our local agent has informed me that he expected in the course of this week to realise 25 *l.*

1280. Mr. *E. Denison.*] Are all the draining expenses given here?—I find that they are not; I beg to say that whilst on the one hand I am not responsible for that, on the other hand I am not surprised that in the class of Return which was ordered, the Committee have not found all they wish; the information is in the Commission.

1281. You have said that the accounts with respect to the drainage are not complete. In what respects are they incomplete?—So far as we, Pickering & Smith, are concerned, our accounts are perfect, and they have been rendered. By what accident you have here only two years instead of four, I am not competent to answer.

1282. Then the accounts here given, as being the total expenses which have been incurred in Norwell, are not the total expenses?—The details of those two drainage accounts are lacking; they have been rendered to the Commissioners, and accounted for.

1283. Sir *G. Grey.*] You having access, of course, to the documents of the Commissioners, could you furnish a complete statement to the Committee of the expenditure incurred by the Commissioners on account of the Norwell estate, distributing that expenditure under the different principal heads, such as buildings, draining, and other expenses?—Most certainly.

1284. You could furnish it by the next meeting of the Committee, probably?—Most certainly; and in reference to the draining, I am ready to hand in those two supplemental accounts at this moment. I have brought them from my own office. (*The Witness delivered in the same*).

Vide Appendix, pages 404, 405.

1285. Mr. *E. Denison.*] I see an account put in of the expenses of a superintendent of the name of Webb?—He is my foreman.

1286. Who superintended the draining, before Webb went there?—A nephew of mine superintended it in the first year.

1287. His name is not put down?—He had no compensation.

1288. What age was he?—Twenty-two or twenty-three; I am not quite sure which.

1289. Was he sent there to spend a year in superintending the draining, without being paid for it?—He was.

1290. Was he a man of sufficient experience and expertness to be placed in such a situation?—Yes, he was; he is competent to any business that any gentleman would desire to confide to him connected with agriculture.

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1291. Is it the case that your nephew was sent to Norwell, to spend a whole year or half year, or whatever time it was, in transacting business there, without any remuneration?—I believe it is so; I will refer to the account which I have here. I believe it is so.

1292 Sir *G. Grey.*] Is your nephew in your employment?—No; I at the period had great difficulty in finding a competent person, and my brother was kind enough to allow me to use my nephew at the time.

1293. Was he in your brother's employment?—Yes, constantly.

1294. Receiving a salary from your brother?—No; he is with him, as a son with his father.

1295. Was any portion of his expenses, on account of his superintendence of the drainage of Norwell, charged to the Ecclesiastical Commission?—I believe no portion of them is charged to the Commission.

1296. He performed the work perfectly gratuitously?—I believe quite gratuitously, except as a consideration between myself and him.

1297. Do you mean that you paid him out of your own pocket?—Out of the firm of Pickering & Smith.

1298. Then he was in the employment of the firm during that period?—During a period; the work of that year was executed under his superintendence; it was not the period of a year.

1299. Did he perform other duties in connection with your department, and under the directions of your firm?—No other duties whatever.

1300. Did your firm, in fact, then incur the whole expense of his maintenance and travelling expenses, and any other expenses which he must necessarily have been subjected to, without charging any portion of them to the Ecclesiastical Commission?—I am only speaking of it from recollection; the fact is not sufficiently present to me. I have only this account to remind me of it; but I believe the fact is so.

1301. Marquis of *Blandford.*] Did you receive a payment from the Ecclesiastical Commission yourself in respect of that draining?—We receive uniformly 5 *s.* an acre.

1302. Then you were paid in respect of the drainage of that year?—Yes.

1303. Sir *J. Pakington.*] Did the payment which you received from the Ecclesiastical Commission include any charge for management?—It is that portion of the charges which under the Inclosure Commissioners would be called the Engineering department. I set out the draining and take the superintendence, this person, Webb, executing it under me, and my nephew executed it under me in the year in question.

1304. I do not think your answer quite meets my question; I want to know distinctly whether in the payment which you received from the Ecclesiastical Commission on account of that draining, there was any allowance for management?—An allowance to ourselves of 5 *s.* an acre; it is uniformly charged.

1305. Do you calculate that that allowance to you of 5 *s.* an acre covered the payment which you made to your nephew for his local management?—As I said before, to the best of my recollection it did so; but if I have to come here again to offer any further explanation as to those accounts, I should be glad to have an opportunity of referring to the papers.

1306. That would, in fact, if I understand you rightly, amount to a payment to your nephew by the Commission for what he did in this draining?—So far as my nephew may be held to have acted on my behalf.

1307. If your nephew had not been there, I presume some other person would have been there executing the same duties?—Undoubtedly.

1308. You paid your nephew, as I understand, from the firm of Pickering & Smith?—My memory does not serve me in what manner he was paid.

1309. I am only speaking from what you yourself have just stated to the Committee; I understood you to make to us his statement that Pickering & Smith did pay this young man, your nephew, for the management of that draining?—Perhaps the Committee will kindly permit me to have the answer read which I gave, and if I have stated it erroneously I will correct it. (*The former answer was read.*) I am to be understood not to have stated it positively, but to the best of my recollection.

1310. Then am I right in my understanding, that you did, as you say, pay him out of the firm of Pickering & Smith, but that Pickering & Smith paid him out of this 5 *s*, which you say you receive for drainage?—At present I do not call to mind whether he was compensated in any other way.

1311. Am

1311. Am I wrong in my supposition that you paid this gentleman out of that 5 *s.* an acre just as you would have paid any other person who had been employed in performing those duties?—I believe it is so; if it is not so, I ask the Committee to allow me to correct it on some other day.

1312. Mr. *J. A. Smith.*] How was Mr. Webb paid?—So much a week.

1313. By whom; by you?—By the Commissioners.

1314. Sir *J. Pakington.*] There was another person whom you employed after your nephew ceased to perform these duties?—Mr. Webb.

1315. What did you pay him?—He is now receiving 2 *l.* a week. If I may be permitted at once to justify the costs, he has had under his direction this year 100 labourers.

1316. Was that a larger number than your nephew had?—Yes, much larger; I believe he had not more than 30.

1317. What are you receiving now from the Commission for the management of this drainage?—Five shillings an acre.

1318. Do you consider that your payment to Mr. Webb comes out of that 5 *s.* an acre?—Certainly not.

1319. It is over and above the 5 *s.* an acre?—Yes; and those charges together are within the amount which is, I believe, uniformly allowed by the Enclosure Commissioners.

1320. What number of men were employed under your nephew when he was the manager?—I do not call to mind the exact number.

1321. Mr. *J. A. Smith.*] Do you know how much land was drained that year?—One hundred and forty-one acres.

1322. Sir *J. Pakington.*] You say you do not call the number to mind; was it very considerably less than the number now employed under Mr. Webb?—Yes.

1323. Had your nephew ever had the conduct and management of any draining before on a large scale?—Under his father's direction.

1324. Mr. *J. A. Smith.*] You say 141 acres were drained?—Yes.

1325. The total sum of money you received was 705 shillings?—Exactly so.

1326. But that would not support your nephew for a year?—He was not probably more than three months upon this occupation, neither did it contribute to his support at all. I was in an exigency in the conduct of the business of the Commission, and I sought the most eligible quarter that I could for assistance.

1327. Mr. *E. Denison.*] In answer to a question from Sir George Grey, you have said that you can put in and will put in the accounts complete up to the present time?—I can do so.

1328. It is also the fact that Mr. Webb's expenses, as manager of the draining, are put in, and that there is no account put in of your nephew's?—Webb's expenses have been put in, and I believe my nephew's are not put in. I am obliged to state that I say that, subject to correction.

1329. We will now pass to the buildings; you have said that Mr. Drury's was a good house and in a good situation?—Yes.

1330. As it was a good house in a good situation, there being a good barn and some good stables, why was not that made a farmhouse, and let as a farmhouse, instead of going to the large expense which has been incurred at Mr. Knight's?—It was not in an eligible situation for the occupation of those lands.

1331. What is the distance between the situation of Mr. Drury's house and the situation of Mr. Knight's farm?—I believe one-fifth of a mile.

1332. Give it in yards?—Nine hundred and sixty yards. My measurement was made from a plan.

1333. What is the distance between the buildings of Mr. Drury's farm and Mr. Knight's farm?—I believe it is 960 yards. I have ascertained it by scaling a plan, which is our ordinary mode of ascertaining distances, knowing that the Honourable Member had had it measured by his own agent.

1334. If you know that I have had it measured by my own agent, and it turns out to be less than 300 yards, I should like to ask, if Mr. Drury's situation is not an eligible situation for those lands, how comes Mr. Knight's to be an eligible situation, which is only 300 yards off?—The distance is a material one. I cannot assume the fact that it is only 300 yards. I am not cognisant of the fact, but assuming the fact, it still remains that the new one was already situated immediately contiguous to portions of Knight's farm, with which it was accustomed to be occupied. Mr. Drury's place, not alone in point of distance, but in point of sufficiency of buildings, was inadequate; it would have required an expenditure of

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130*l.* in repairs alone, and then it would have remained exceedingly inadequate to the occupation of the 200 acres of land which now constitute the farm.

1335. What expense has been incurred in building upon Mr. Knight's farm, as nearly as you can speak?—As nearly as I can compute, 1,600*l.*

1336. Are you sure that it is not a great deal more?—I am quite sure. The original estimate was included in a sum of 2,000*l.*, and as nearly as I was enabled to judge by the estimates which I received at the time, the proportion of that was 1,500*l.*; and we have subsequently expended about 100*l.*, within 20*l.* under or over.

1337. Then do the facts stand thus, that buildings, as you state, to the amount of 1,600*l.*, have been put up 300 yards, as I state as a fact, from the buildings which existed before, and that a good house has been left, and a barn and stables, and so forth, pulled down, when a small expense at these buildings would have made a farm building sufficient for a farm of that size?—The fact is not so; a small expenditure would not have rendered them adequate for the occupation of the 220 acres of land. Besides the repair, to the amount of 130*l.*, I am quite sure that in order to have adapted those buildings to the requirements of modern agriculture (with which no man is better acquainted than the Honourable Member) there must have been a further expenditure of at least 500*l.*

1338. That additional sum of 500*l.* spent upon the existing buildings would have stood in the room of 1,600*l.* expended on the new buildings?—Not so, because whether it be 300 yards, or whatsoever be the precise distance, I am quite sure that every man of business will say that the importance of the present situation relatively to the other for the occupation of the land is fully equal to, I am prepared to say, 40*l.* a year. I believe there are gentlemen here who are prepared to say more.

1339. Marquis of *Blandford.*] Will the fact of 1,600*l.* having been spent in the erection of farm buildings be taken into account in the rent demanded for the land; will there be an increase derived from that money?—Undoubtedly, and the permanent value of the estate is enhanced to the full extent of the expenditure.

1340. *Chairman.*] Was there no house on Knight's farm before?—Knight's buildings had become a complete ruin; there was not a building among them capable of restoration.

1341. The house and farm buildings are built entirely new?—They are. The question arose whether we should build in the one place or add to the other, and I think no man of business will say that we were not right in choosing the present one.

1342. Marquis of *Blandford.*] Was that done with the sanction of the Estates Committee?—It was. I quoted in the course of my evidence in chief the Report which was made, upon which we obtained the authority; that was dated the 18th of April 1853. There we stated that Drury, one of the tenants on the estate, late Wylde's, had signified his wish to quit the farm that he had had notice consequently to quit, and that upwards of 100 acres of that would be laid to Knight's farm, superseding the necessity for a considerable expenditure on Drury's. That was the Report on which we took authority for that expenditure.

1343. Mr. *Walpole.*] Is that Report printed in the evidence?—Yes, it is at page 392 of Appendix.

1344. Mr. *E. Denison.*] When there came to be this question of moving these buildings from Drury's to the new farm, did not you think it worth while to be tolerably accurate about the distance that you were gaining in this affair?—I certainly did not measure the distance then, nor was the point of distance to a practised eye one of so much importance as the fact that this other place, at three several points, was brought nearer by the distance, be it more or be it less, to the estate in question; and moreover, that the original occupation of Knight became an integral part of the whole. The Committee will be kind enough to look at them not as heretofore two farms, as will be seen in the plan No. XI, but as one integral farm to which one set of premises would be attached.

1345. Knight's farm and Curtis's farm extend from the village to the wood, do they not?—They do.

1346. I think you have said that two fields open down to one road and two fields open down to the upper road?—I do not think I have said so here to-day, but such is the fact, and that they open upon two roads.

1347. You were also proceeding and are at this moment in the act of grubbing up that wood, are you not?—We are.

1348. You

1348. You have spoken of the requirements of modern agriculture; the great benefit of that woodland will be, that it is more suitable for the growth of turnips and green crops than the old open land, will it not?—I am quite sure it will be so.

1349. Would it not be very important indeed that the land for farming purposes obtained from the grubbing up of that wood should be within a tolerably convenient distance of the buildings?—It would be convenient.

1350. But it is at the very remote end, the buildings being here, and the wood being at the extreme end?—It will be at the remote end if I succeed in making the farms such as I desire to have them; at present Curtis has lands lying much further off.

1351. As you have spoken about the requirements of modern agriculture, I can understand that it might have been reasonable to have incurred some expense to have placed buildings in a central situation for the farm; but to have incurred a large expense in moving buildings from here to there seems to me to require some further explanation?—With relation to the particular farm, Curtis's, which is at present the subject of discussion, there are already two sets of farm buildings; one set of those farm buildings was reconstructed shortly before that period of time when the estate came into our hands. The question would be, therefore, whether we should altogether transfer the entire set of new buildings which have been recently erected for the accomplishment of that purpose, or whether we should do that which we have done.

1352. I am not speaking of Curtis's; I am confining my observations to Knight's. Curtis's buildings also stand very near Knight's, do they not?—Yes.

1353. Sir *J. Pakington.*] Generally speaking, what is the acreage of those two farms respectively?—The acreage of the one is 300 odd, and the other 221.

1354. The new buildings of which we have been speaking were, I understand, erected for the occupation of the tenant Knight?—They were.

1355. Before you erected the new buildings was Mr. Knight consulted as to his view of the most convenient position of the new farmhouse?—He was not substantively consulted, certainly.

1356. Has he expressed any disapprobation of the site selected?—Never.

1357. Did the fact of the new site being, as I understand from the plan, situated in a village, form any element in your decision as to the position?—Undoubtedly it is an element which in every case would be taken into account.

1358. Do you consider that the fact of the new building standing in the village is some equivalent to the tenant for the fact of its distance from a great portion of the farm?—I think I should say so, in this particular case. Perhaps, upon the whole, the fact of its coming into the centre of the grass-land portion, as will be seen by reference to the plan, was not in itself sufficient to have induced me to retain it in the situation where Drury's was; Knight's is nearer by all the distance (whatever it be) to the arable lands.

1359. At the time that you erected these buildings for Knight in the village, was there any other homestead for the convenience of the more distant parts of the farm?—None.

1360. Did it ever occur to you, that a more central situation might be more convenient for Knight's occupation?—I think that possibly it might; but it would have been removing Knight from one staple part of his business, which is his cattle. His dairy cattle are altogether maintained in the neighbourhood of the village.

1361. Does the farm reach up to the present site of the new buildings?—Yes.

1362. Does the farm reach up to the site of the former buildings?—No, not by the distance, whatever it be, which is in question.

1363. But I understand you to express a decided opinion to the Committee that so much convenience was gained to the tenant by that removal, short as the distance was, as to make it worth while to incur the difference of expense?—I am quite sure of it, having reference also to the fact that there was an existing farm, and that an integral one, consisting of the two farms, was about to be constructed.

1364. In what do you consider that that increased convenience consisted which made it worth while to spend the sum of 1,600*l.* rather than the sum of 630*l.*?—The increased facility, in every point of view, of approach to the farm which was to be occupied; distance is one, but the opening out immediately and directly into the body of the farm is another. The oversight of the farm also, which can be taken from the new buildings, and could not have been taken from the old, is a very

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very important consideration. From the buildings, where they are now constructed, the farmer has a considerable part of his farm under observation. From the other site he must have passed through the village before he could have brought any part whatever except two closes of grass land, perhaps of 20 or 22 acres, under his observation.

1365. But I am right, am I not, in understanding that even these new buildings stand at the extreme end of a long narrow farm of 300 acres?—They stand at the end of a long farm of 221 acres.

1366. Sir *J. Graham.*] Does Drury occupy under lease?—No. The tenant now is Knight. Knight is not on a lease.

1367. Was the old occupation from year to year before the buildings were moved?—It was so.

1368. What was the rent before the buildings were moved?—The combination of another portion of Knight's original farm precludes my being able to give the Committee an exact statement in that respect.

1369. Can you not compare the rental of the 220 acres now occupied under the new building before and since the building?—The aggregate rent I can compare.

1370. Take the 220 acres as a whole. What was the rent before the building, by whomsoever paid, and what is the rent now paid by the tenant occupying the premises?—The original rent was 173*l.* a year. The present rent is 345*l.* a year; just about double.

1371. Mr. *Walpole.*] For the same quantity of land?—No, there is a combination of two farms.

1372. Sir *J. Graham.*] There are 220 acres of land now occupied with the new buildings, are there not?—There are so.

1373. I want to know what was the rent of those particular 220 acres, by whomsoever occupied, before these buildings were erected and before these lands were consolidated?—What I was desirous to be understood to say was, that one of those two farms was subdivided, and without a calculation, which I have not the means of making here, I am not able to reply to the Honourable Member's question. Knight's farm consists of his original farm and a portion of another.

1374. Let us take another view of it; take the aggregate of the lands occupied in the two farms before the new arrangement took place; what was the rental of the whole of those lands?—I should give the Committee the soundest answer by drawing their attention to two portions of the estate coloured in the plan No. XII., which I think has not been under the notice of the Right Honourable Member, namely, the portions of the plan No. XII. coloured blue and coloured pink. Each of those now is an aggregation of other farms. The aggregate of the two farms stands precisely as it did before these expenses were incurred. In order to give a correct view, and that that answer may be correctly understood, I beg to explain what is already in evidence in these papers, that in 1850, owing to the then condition of agriculture, a reduction of 15 per cent. had been made upon the estate at large, which 15 per cent., after the execution of these improvements, and in point of fact, shortly before the completion of these improvements, was again charged upon the tenants, and that that 15 per cent., which amounted to the sum of 160*l.* a year, formed the compensation for the outlay which was made.

1375. Then in point of fact, excepting the period when, on account of low prices, this deduction of 15 per cent. was in operation, there has been no increase of rent as compared with the old rent, consequent upon this outlay of 1,100*l.* or 2,000*l.* upon the buildings?—None; and thus far the opinion has been entertained that until the recent advance in prices, which may or may not be transient, the re-imposition of their former rent was an adequate consideration for the outlay which had been incurred.

1376. Mr. *Mowbray.*] The increased rent of 160*l.* was the only compensation, I understand, for all the expenditure; not merely the expenditure of this sum of 1,600*l.*, but the expenditure on drainage also?—That question, would have regard to the parish at large. The addition of income upon the parish at large consists in that re-imposition of the 160*l.*, and in additional rents amounting to 203*l.* a year.

1377. But there is in this paper which has been put in an expenditure on buildings of 3,089*l.*, and an expenditure on draining of 3,108*l.*, making a total of expenditure of 6,197*l.* upon the estate?—Yes.

1378. And we have been told that that includes only two years out of four of the drainage?—I beg pardon; that is not so; the aggregate statement of the cost

of

of draining there includes the whole, although the detailed particulars only include two years.

1379. Then does this expenditure of 6,197 *l.* include the whole expenditure in respect of buildings and drainage?—Except the addition of between 300 *l.* and 400 *l.*, which I explained, I think, in answer to the first or second question put by the Honourable Member for Malton.

1380. And in respect of that expenditure the whole increase of rent has been 200 *l.* a year?—The increase of rent is 200 *l.*, and the re-imposition of rent is 160 *l.*, making together 360 *l.*

1381. Sir *J. Graham.*] You receive a per-centage upon the outlay in draining of 5 *s.* an acre?—Not so; we have no per-centage except on one farm at Norwell, by special agreement with one tenant.

1382. Mr. *E. Denison.*] You are not answering the question; it relates to a per-centage upon the expenditure?—It is not a per-centage; it is a rate per acre of 5 *s.*

1383. Sir *J. Graham.*] Have you any per-centage or other receipt consequent upon the outlay on buildings?—We certainly have had no receipt hitherto; we have had nothing in respect of that except the payment of our expenses, but we have been permitted to employ an architect, (whose name appears upon these reports, Mr. Horsford,) to whom 4 per cent. has been paid by the Commissioners. The Commissioners now have deemed it expedient to require that all the responsibility, in respect to farm buildings, should be upon ourselves, and I think the amount is not settled; but we expect to receive a compensation of 5 per cent. out of which to pay our own architect, Mr. Horsford, 4 per cent.

1384. Mr. *E. Denison.*] Upon this point Lord Chichester has stated in evidence that he considers that the estates are managed more cheaply than the ordinary estates of gentlemen. As I see by this paper, the payment appears to be this, 4 per cent. upon the total rental, 5 *s.* per acre for setting out draining, travelling expenses; also an overlooker, provided to look after the draining; that is stated to have been at 25 *s.* a week, and now 2 *l.* a week; then architects are paid for all buildings, and then yourselves have been paid besides this, for your general report, 60 *l.*, or some sum of that sort?—The general report was antecedent to the estates being in our management.

1385. Am I to understand, that in addition to these items you will have a payment made upon buildings?—It is not in addition to those items. There must first be the subtraction of the payment of 4 per cent. to the special architect, and then the addition of a payment of 5 per cent. to ourselves instead of it.

1386. Then, in addition to everything which you have received, you are to receive 5 per cent. upon buildings?—I believe so. I think the amount is not substantively settled, but it so understood, that it will be 5 per cent.

1387. I suppose that these buildings of Knight's, upon which so large a sum has been expended, you consider to be complete, and fully adequate?—It is exactly one of those questions as to which it would be a great relief to me if the Committee would have the kindness to ask other qualified men. My opinion undoubtedly is, that the buildings are as complete as perhaps any buildings which will be found in the vicinity.

1388. It is a very simple question to answer?—My simple answer would be "Yes."

1389. Is there room for his carts and implements?—The Honourable Member has certainly convicted me of a mistake. I believe that is the alone particular in which the premises are defective.

1390. I think that that is a very extraordinary answer, you having, upon full consideration, said that the buildings are complete. Is it not a very important thing that there should be room for carts and implements?—The answer, in the first place, is consonant with truth; and, in the next place, the question itself is one which is capable of being controverted. I can point out a mode of farming in which the building would be perfectly adequate.

1391. In constructing a complete set of farm buildings, is it an important matter that there should be room, particularly considering the requirements of modern agriculture, to protect implements and carts?—Certainly every farm ought to have an adequate accommodation in that respect.

1392. Has this farm that accommodation?—I think it would be an advantage to the farm to have somewhat more.

1393. *Chairman.*] Has Knight's farm, with the new farm buildings, that accommodation?—I am quite sure that Knight may make them sufficient. It would be eligible and convenient to him to have more.

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1394. Mr. *E. Denison.*] I will now go to the wood, which is a matter of some interest. You propose to grub up a wood?—Yes.

1395. About 40 acres, I think, of wood?—About 44 acres.

1396. The expense in grubbing is considerable, I believe?—Very considerable.

1397. And the success of the operation depends a good deal upon the careful management of the work?—No doubt.

1398. One of the important things to attend to is that the oak trees should be grubbed in the roots while they are standing, so that you should have the leverage, and the advantage of the tree; has that been done in this case?—It has not been done, there were special circumstances. Last year was a peculiar season. Our woodwarden found himself unable to obtain a sufficient staff to execute it in the way which the Honourable Member suggests, in the course of last year; we therefore were compelled at that period to take the chance of some subsequent expense, and to perform it in the manner in which it was done.

1399. What increased expense do you think you have incurred by that operation?—I should have been glad to give a definite answer, but I have not the accounts yet. The increased expense certainly will not far exceed 1 *l.* an acre: I think it will not be so much.

1400. Are you sure it will not be 2 *l.*?—Quite sure.

1400.* Some of this wood has been ready for the operation of grubbing for two or three years, I think?—The underwood has been cut, but the authority to grub it has only dated from the spring of last year.

1401. From whom?—From the Commissioners.

1402. If you can give tenants notices to quit and so forth, surely, without consulting the Commissioners, you can begin grubbing a wood if there be a great loss in not doing it?—I beg leave to say, that I do not think that we gave notices to quit without authority. If I mistook the instruction which we had, I can only say it will not be repeated.

1403. Has the Report made in the spring of 1855 been approved?—No operation in respect of it took place until after the Report was approved.

1404. If it would have been an advantage to the estate to do it, why were not the Commissioners consulted in due time?—We had not then the valuable experience which the Honourable Member has afforded to the country at large by carrying on the process of clearing a wood to a very large extent. I confess that up to the spring of last year I had not myself become aware of its value as an improvement in the management of an estate.

1405. I must beg your pardon; any benefit which my example may have afforded might have been afforded for several years. I ask this question: if the underwood has been cut down, and the wood has been in a condition to grub, why has a very great loss been incurred by not doing it?—The underwood was not cut down until the winter of 1854-5. There was more wood cut in the preceding year than in previous years, but that was because there had been a year passed by in which no wood had been cut; in the prior winter, therefore, it may be that somewhat more than two falls were taken instead of one.

1406. You have chosen to grub the wood in this year when labour has been very high, and in so doing you have incurred a very great additional cost, which you would not have incurred if you had done it at the time when the wood was first ready for it?—I am bound to bow with great respect to the Honourable Member's opinion upon that point, because no man is so well informed upon it as himself. The facts are these: we received the authority in the spring of 1855; we proceeded to prepare for the work by falling a portion of the oak in the spring of 1855; we proceeded to the execution of it in the winter of 1855-56. If we have incurred an expense beyond what we should have incurred in former years it is a matter of pure necessity resulting from that circumstance. That the price of labour has increased is a question over which I have no control; I have taken the precaution in the present year of waiting until a considerable part of the Honourable Member's work had been performed before I commenced my own, that we might not interfere with the market of wages. That does not merely rest upon my assertion here, but I wrote to my sub-agent, strictly enjoining him to take no steps which would raise the market wages of labour.

1407. With regard to this operation as to this wood, I shall undertake to state, that the additional expense which is incurred upon this operation will amount in the 40 acres to 200 *l.*; that is to say, that from not grubbing the oak trees as they stood,

stood, but first cutting them and then having to grub the roots at a great disadvantage, the additional expense will amount to 2 *l.* an acre, and that the difference in the expense of labour this year and two years ago, will bring it to the sum which I have stated, namely, 5 *l.* an acre, which upon 40 acres is 200 *l.*; will not the expense be what I have stated, and if you can show to the contrary I shall be glad to hear it?—In order to do so we must wait for the results; as a matter of judgment, forming it from the facts as far as they are already known, I am quite sure it is not so.

1408. You will be so good as to produce the accounts which show it?—They will undoubtedly be produced to the Commissioners; it is impossible to do it now.

1409. Mr. *Mowbray.*] You estimated the cost at 16 *l.* an acre?—Yes.

1410. What do you now estimate it at?—I do not think we shall exceed 18 *l.* an acre, including the draining, and I think it will be considerably less.

1411. That is an excess of 80 *l.*?—Yes; and in speaking of the 44 acres, it is not the whole of that, it is 22 acres out of the 44; it is something between 20 and 24.

1412. Sir *J. Graham.*] Have you any bargain as to the letting of this land when cleared?—No.

1413. At what do you estimate the rental?—In my Report I estimated the rental as 1 *l.* an acre; the wood comes up much better than I expected. I have taken the liberty to ride over the Honourable Member's estate in the interval; I hope he will pardon me. The result of my observation, and of the lucid and interesting statement which he has made in the Royal Agricultural Society's Journal, satisfies me that I shall get 28 *s.* an acre for it.

1414. Mr. *E. Denison.*] And more too?—I am much obliged to the Honourable Member.

1415. Sir *J. Pakington.*] What is it worth per acre in wood?—Almost nothing; the underwood had ceased to pay the current expenses.

1416. It was not wood that was cut down in periodical falls?—It had been cut previously in periodical falls; the result of that was not sufficient to pay the periodical expenses in rates, and so on, from year to year. The value of the timber was 16 *l.* per acre, it being so inferior in quality, and I do not think the increase in that value from year to year would have been one per cent.

1417. Sir *J. Graham.*] The receipt from the wood was 16 *l.* an acre, and all charges, grubbing included, will not exceed 18 *l.*?—I think 18 *l.*

1418. When 18 *l.* shall have been incurred, covered by 16 *l.*, the produce of the sale of the wood, you expect to let the land for 28 *s.* an acre?—I do.

1419. Mr. *E. Denison.*] It has been stated by witnesses, by Mr. Chalk and Mr. Smith, I think, that the chancels which have come into your hands have generally been in a bad state, and that a considerable expense has been incurred upon them. In the parish of Norwell you are not only the owners of the great tithes, but the owners of 1,300 acres of land, as landlords. I should like to know what money has been laid out upon the chancel, or upon repairs in that parish?—I am not able to state off-hand; it will be in the accounts of the Commission; but the chancels are not under our supervision.

1420. I do not mean that you would be responsible; but every expense, I suppose, which has been incurred in Norwell has gone through your hands?—Quite so.

1421. I am not putting it is a question of responsibility upon you, but only as a question of fact, whether you have been the medium of paying any sums to be laid out in the repair of the chancel?—We have been the medium of those payments.

1422. Have there been any sums laid out?—Very insignificant sums, if any. When the churchwarden has laid out 5*s.* or 15*s.* he has brought it to us, but it is not within my recollection during the four years of our agency that we have paid more than once.

1423. Practically, there has been none?—Practically, there has been none.

1424. As owners of so much land in the parish, have you been the medium of paying anything towards the schools, or anything to charities in the parish?—Matters of that kind are invariably taken before the Board. We are not communicated with.

1425. Have you been the medium of the payment in any way?—We have had no instruction to pay anything under that head. We are not aware of applications, and we have received no instructions.

1426. Was a memorial sent last year from the churchwardens to request that repairs

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repairs to some fences might be done in the churchyard that would belong to you?—Precisely. With respect to the churchyard wall there has been such a request.

1427. Has that been done?—No. The application was made to the Commissioners; it was referred to us to report upon it, and pending our report it remains in suspense. It is contemplated to perform it in the present year.

Mr. *Joseph Curtis*, called in; and Examined.

Mr. *J. Curtis.*

1428. Mr. *E. Denison.*] YOUR father is the owner of considerable property, 150 or 160 acres, I think, in the parish of Norwell?—Yes.

1429. And you occupied land under Mr. Eyre before it was sold to the Commissioners, did you not?—Yes.

1430. And some other land?—Yes.

1431. What was the other land?—It was a farm under Mr. Wyldes, of Southwell, before the Commissioners bought it.

1432. Since you have been farming under the Commission, do you think that you have received that sort of treatment as a tenant which would conduce to good farming and to confidence in the holding of your land?—Decidedly not.

1433. Have you ever had any communication with any other person except Mr. Pickering, on the part of the Commissioners; I mean, have you seen any of the Commissioners at any time?—No.

1434. Have you ever seen Mr. Smith?—No.

1435. Have you ever been invited by the Commissioners, in case there was any question of difficulty, to refer to them?—No.

1436. Then the only person that you have had any dealing with, or any knowledge of, is Mr. Pickering?—Yes.

1437. Mr. Pickering has done everything in the parish of Norwell, has he not?—Yes, I believe so.

1438. When you first spoke to me about some difficulties in which you were, you had a great disinclination, had you not, that your name should be mentioned?—Yes, I had.

1439. It was your opinion at least (without asking you whether it was the opinion of others also), that it would be a very great risk to you if you were to say anything which should bring you into collision with Mr. Pickering?—Yes.

1440. You received a letter, I believe, from me, stating that I had spoken to one of the Commissioners, and that I had spoken to Mr. Smith, and had received distinctly his assurance that if you thought it necessary for your interests to refer your case to the Commissioners or to give evidence here, your interests should not be prejudiced by your so doing?—Yes.

1441. And it is upon that that you have had the confidence to give your evidence here?—It is upon that, and that alone.

1442. Will you be so good as to describe to the Committee in what way you think that you have been hardly treated by Mr. Pickering?—The first case would be in a field which Mr. Pickering took from me; at least, I was not under a notice to give it up. Mr. Pickering told me that if I would do so he would pay me for the loss of crop, subject to Mr. Denman's valuation. I think the value was very little, indeed, according to what Mr. Denman said it would be, and the award he put on.

1443. In what year was that?—One thousand eight hundred and fifty-four; two years ago.

1444. Has it happened that almost every year, or every year, you have had land taken from you,—changes of land?—Yes. Mr. Pickering did say that last year, in the spring of 1855, it would be permanently fixed, and since then he has wanted to make three changes more.

1445. Will you describe exactly what has taken place with regard to the notices to quit which have been given this year. When was your first notice given to you?—I cannot say the precise day.

1446. Was it last October?—Yes. Mr. Pickering sent his son with a notice, accompanied by a verbal message: "You need not to take the least notice of this; it only is to be put on for improvements in draining and building."

1447. What happened the other day when Mr. Pickering came and put an agreement into your hand?—Mr. Pickering said, "Now, Mr. Curtis, it is time I told you what I intend to do. I have abandoned for the present raising this rent,

rent, but you must sign this agreement, and give up such a field to such a person."

1448. What did you say?—I wished to reason with Mr. Pickering. "Oh," he says, "you are under notice to quit. You can avail yourself of it if you like," and off he drove. He would not say another word.

1449. Then, did Mr. Pickering's son come?—Yes, in a fortnight after.

1450. What happened then?—He said his father had sent word that I was to give up three other fields, 23 acres,—16 acres of the best wheat I had got, and a grass field. I told Mr. Pickering that I could not think of doing so. He said, if I would, his father would let me have some of this wood land, but Mr. Pickering had previously told me he wanted some one to farm the wood land well for three or four years; to lime it, and get it in a good state, and then he wanted to lay it down in a convenient state for the Wood House Farm, so I declined to have anything to do with the wood land upon those conditions.

1451. What was the next thing that occurred between Mr. Pickering and yourself?—Mr. Pickering came and brought a gentleman with him last Tuesday; he called at my house. I was not at home, but he left a message that I was to meet him at his inn at Newark the next day. I went; he asked me if I had brought the agreement; I said, "No." He asked me if I meant to sign it; I said, "No, I could not sign it." Then he said, "You are to recollect that your tenure ceases on Saturday next." Then he asked me if I would give up these lands which he had sent about; I said, "No, I could not think of doing so;" and he gave me to understand that I was to go on Saturday. He said that my tenure ceased to exist on Saturday, after saying that I was not to take the least notice of the notice to quit.

1452. Has it happened in some cases that you yourself, when you were a tenant to Mr. Eyre, drained land in some degree at your own expense?—Yes.

1453. What part did you drain?—I have drained a considerable portion of this land that Mr. Pickering has taken from me, and some more that he proposes to take from me this year. I both found the tiles and put them in at my own expense.

1454. When that has been done, have you had any compensation for it?—None at all. I am to pay interest, Mr. Pickering says, for the land that I have drained. He gives me undrained land, and puts interest upon the land I have drained.

1455. How many years ago did you put in these tiles?—I cannot say the exact year.

1456. Lord *R. Grosvenor.*] Ten years ago?—I cannot say exactly.

1457. Five?—It might be from five to ten; I could not state the exact year.

1458. Mr. *E. Denison.*] Then the land which you yourself have drained, buying the tiles and putting them in, has been taken from you?—Yes.

1459. And no compensation has been allowed for that?—None at all.

1460. And land undrained is given to you, and when it is drained you are to pay a per-centage on the drainage?—Yes.

1461. Has that course of treatment, and the constant changes of land to which you have been subject, shaken your confidence and made it difficult for you to farm with that spirit which is necessary for good management?—It has.

1462. Marquis of *Blandford.*] Has land been taken from you which you had drained?—Yes.

1463. Did you remonstrate?—It was of no use.

1464. But did you remonstrate at the time?—I begged to keep the land, I did nothing more; but Mr. Pickering would not hear of it.

1465. Was that land taken from you under a notice; had a notice been served upon you previously to that land being taken from you?—No, there never was a notice.

1466. Lord *R. Cecil.*] What do you mean by saying that you have to pay interest on the land which you yourself drained?—No; some that I got which was undrained land and is drained now, I have to pay interest upon.

1467. Mr. *E. Denison.*] I want to ask you a question about the draining; we have heard that Mr. Pickering's nephew was there for a year or a season superintending the draining?—Yes.

1468. We have also heard to-day that he was there without payment; did you consider that he understood the business which he was sent to conduct?—No, I did not.

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1469. Will you describe to the Committee in what way he drained some land which you have shown to me?—Instead of Mr. Pickering sending his men to cut the outfall first, as he ought to have done, he sent his men into the fields to cut the drains, and to cut them so many feet deep, not knowing whether he could get his outfall at that depth. He could not get it so as to fetch water into the outfall, and sometimes the drains have stood open, and considerable rains have come and made them curve in again at considerable cost.

1470. Having commenced a field at the upper end, and then having to bring up a fall, when the fall was brought up through a field was it still found not to be sufficiently deep, and had it to be taken up and made over again?—That was the case in one field; he had to begin again at the bottom of a field, and take it up again to get the fall right.

1471. Then, in the meantime these drains in the upper field lying open, wet came?—They slipped in again.

1472. And additional expense was incurred?—Just so.

1473. Then it was the general opinion, was it not, that this young man, who was sent to superintend the draining, had very little experience, and conducted the business very badly?—Yes, it was.

1474. Did Mr. Pickering himself see a field which had been drained for you, and which he himself considered was incompletely and ill drained?—Mr. Pickering said himself that two acres of it were under water when he looked at it; the field was ten acres, and he promised that he would put in other drains to alter it next year.

1475. Were you paying interest upon this drainage?—Yes; at least my rent is raised 5*s.* an acre, and I do not know what it is raised for, unless it is for the interest. Mr. Pickering has never said definitely what it is for, but I expect that it is for the interest of the draining.

1476. Marquis of *Blandford.*] How many acres does your farm consist of?—About 360.

1477. How many acres of those 360 were drained in this imperfect manner?—I cannot say how many acres, because I had no superintendence at all of it, and I did not take any active part in it.

1478. Surely you were there to see whether the drains were cut properly or not; you were stating just now that the outfall was not cut properly; cannot you state with respect to how many acres that outfall and those drains were not made properly?—I cannot now state how many acres; there were more fields than one.

1479. Mr. *E. Denison.*] You could mention, I dare say, the acreage of the field which you are asked about?—The field that we are speaking about now is 10½ acres.

1480. Marquis of *Blandford.*] How many other fields are there besides this?—I cannot say.

1481. Do you mean to say that, with your experience in farming, you do not know what land is properly drained and what land is improperly drained?—I am not prepared to state the number of acres now.

1482. You cannot state what number of acres has been improperly drained upon your farm?—No, I cannot.

1483. *Chairman.*] Did you ever complain to the Commissioners of the treatment which you had received?—No; I did not even know to whom to complain, if I had wished to do such a thing.

1484. Mr. *Walpole.*] Did you ever complain to any one about it?—I have, to Mr. Pickering himself.

1485. Mr. *E. Denison.*] Do you feel yourself to be in a different position from that in which you would find yourself if your landlord was within reach, to whom you could refer if there was any question in which you thought the agent was harsh with you?—We should be decidedly better off if we could do so.

1486. You feel yourself in that position?—Yes.

1487. You have had no intimation, and I dare say you do not know now who are the managers of this property, do you?—I do not.

1488. *Chairman.*] You never asked Mr. Pickering for whom he was managing the estate?—No; I knew that it was for the Ecclesiastical Commissioners, but I never asked who they were, or any one of them.

1489. Sir *J. Pakington.*] You told the Committee that Mr. Pickering informed you that you must leave next Saturday?—Yes.

1490. Is

1490. Is that the Saturday which is now coming, at the end of this week?—To-morrow.

1491. Are you going to quit the farm to-morrow?—I should not like to do so.

1492. Are you going to do so; how do you stand in that respect at this moment?—I have not the least preparation made for anything of the sort on so short a notice.

1493. That does not answer my question. You have told the Committee that Mr. Pickering stated to you that you were to leave the farm next Saturday; next Saturday is to-morrow; I want to know whether you are going to give up the farm to-morrow?—I do not know how to answer that question.

1494. Do you doubt whether Mr. Pickering was in earnest when he gave you the notice then; or if he has given you this notice, why do you doubt whether you are going to leave the farm; the notice was a legal one, was it not?—Mr. Pickering accompanied it with a message that I was not to take the least notice of it in the first instance.

1495. As I understand you, that intimation that you were not to take notice of it, was at an earlier period?—Yes, it was.

1496. How long ago was that?—It would be last autumn.

1497. Six months ago?—Yes.

1498. When was it you received the intimation that you were to quit to-morrow?—On Wendesday.

1499. Quite lately?—Quite lately.

1500. Then do you believe that you are going to give up the farm to-morrow?—I hope the Commissioners will never want me to do so.

1501. You will not give it up if you can help it?—I will not if I can help it.

1502. How is it that to-morrow is the day when you can be legally called upon to give up the farm?—To-morrow is not the legal day I believe.

1503. When was the legal day; would it be Lady-day?—It would be the 6th of April, and I believe that falls on Sunday.

1504. Then Sunday is the legal day?—I do not know that that is the legal day, but Saturday is not I believe.

1505. How long ago was it that you received the intimation that you were to give up 23 acres of land, 16 of which were wheat?—The 15th of March.

1506. And when were you to give up that land?—Now.

1507. Immediately?—Yes.

1508. Was compensation offered to you for the crop of wheat upon the land?—None.

1509. If you have no objection to tell us, will you state what quantity of land you have in wheat upon the farm this year?—It is very nearly 80 acres.

1510. Would the loss of those 16 acres of wheat be a very serious injury to your cultivation of the farm for the year; should you object very much to the loss of those 16 acres of wheat?—Yes, I should.

1511. How are the other seven acres occupied; what crops are upon them?—There are 23 acres of that lot, 16 acres of wheat and seven of grass.

1512. And you think that the loss of those 23 acres would materially diminish the value of the farm which you occupy?—I do, this year.

1513. That it would be an injury?—Yes.

1514. Was other land offered to you in exchange for the 23 acres if you gave them up?—Mr. Pickering's son told me that he would give me some of the wood land.

1515. An equal quantity of wood land, was that stated?—No, the quantity was not at all stated.

1516. Should you consider even an equal quantity of wood land as any equivalent for the loss of those 16 acres?—I should not this year.

1517. Sir *J. Graham.*] If you think yourself so much worse off farming under the Ecclesiastical Commissioners and Mr. Pickering, what objection had you to leave your farm six months ago, when you received notice?—Mr. Pickering told me then that he was perfectly satisfied. If Mr. Pickering had told me then that he wished me to go, I had a chance of looking out elsewhere for another farm; but when Mr. Pickering had driven it till the second day of April, it was too late to look out this year.

1518. My question applies to the time when you first received notice; if you felt your holding to be so disadvantageous, why did you regard his intimation

Mr. *J. Curtis.*

4 April 1856.

that you need not pay any attention to the notice; why did you wish to stay?—I was located there, and I did not wish to leave until I was forced.

1519. Mr. *Wilkinson.*] You consider generally, I suppose, that you have a beneficial holding?—Yes; it is a fair farm.

1520. Marquis of *Blandford.*] You do not want to go now?—No.

1521. Sir *J. Graham.*] Notwithstanding your farming under the Commissioners and Mr. Pickering, you would still like to remain in your existing holding and at your present rent?—Yes.

1522. Under the Commissioners and under Mr. Pickering?—Yes.

1523. Lord *R. Cecil.*] Farmers do not generally like to change unless they are absolutely forced, do they?—No, I believe not.

John Pickering, Esq., called in; and further Examined.

J. Pickering, Esq.

1524. *Chairman.*] WILL you state what has taken place with regard to notices to quit given to Joseph Curtis, both in October last and lately?—Previously to giving the notice in October, both he and other tenants had had an intimation some time before, that not having had any changes made in their rental in consequence of the expenditure made upon their farms, in the altered state of prices it was probable that the Commissioners would require some charges to be made upon them, and that they, therefore, would at the proper time receive notices, and I desired them to keep that in view for the purpose of making such a change; that is to say, that if prices remained steadily at such a scale as there was reason to believe they would, they might very reasonably have such an addition made to their rents.

1525. Mr. *Walpole.*] Will you explain, if you have any explanation to offer with reference to the notice which was given last Wednesday to Mr. Curtis to leave his farm?—I shall be obliged to extend the narrative some little way, in order to bring myself to that point. The tenants were given to understand that the dealing with them would have reference, not to the absolute expenditure upon their respective farms, but to the respective advantage which they had individually derived from the expenditure; with a view to that, I went over the whole of the farms carefully during three days in the month of January; I then formed my own opinion with respect to the relative improvements; but finding that prices had already assumed a tendency downwards; finding a prospect of peace which was calculated further materially to disturb the condition of things, I conferred with Mr. Smith, and we considered that it was not advisable, with relation to rent, to disturb the tenantry at this period. It was so well understood throughout Norwell the series of changes that were going forward, that if Mr. Curtis was surprised that subsequently he should be asked to surrender certain lands, and take others in respect of them, he ought not to have been so surprised. But I gave him the earliest intimation which I very well could of the view which we had come to take upon the subject. On the 29th of February, which was the day on which Mr. Curtis says I handed him a notice of agreement, I did, in passing out of Yorkshire, all which seemed necessary to be done. I acquainted him that I did not intend to advise the Commissioners to raise their rents at the present season; that I should require him to give up a field of land which he has never occupied, although it has been included in his rental, but which has been for a number of years in the occupation of his father, who has at present resigned business. I desired to attach that field to the farm of another tenant, who has no adequate grass land, Mr. Curtis having, I believe, by far the best proportion of grass land of any tenant in the parish. That he might not feel disturbed and uneasy under the fact of further changes thus being made, I told him that I was prepared to advise the Ecclesiastical Commissioners to give him, and to give others, leases of from 12 to 16 years, subject to one condition, which condition was, that if the prices of wheat over some definite period of time ranged above 52 *s.* or 54 *s.* (I was not then prepared to say which I should fix as the ruling point), I should expect that he would submit to an increase of rent, but that if the prices of wheat ruled below such an amount he should remain at his present rent; that it had always been contemplated that they should enter into agreements, and that I wished him to consider the agreement which was put into his hand; that with respect to most of the covenants, he probably would be required absolutely to accede to them, they being such as are found in, I believe, almost every agreement that a tenant makes with his landlord; that with regard to farming covenants I was entirely open to consider what was adapted for his

his benefit; that he had only to tell me that another course was a more favourable one for his occupation of his farm, and that if I saw that it was consistent with the interest of the Commissioners, I should be prepared to advise them to accede to it. He said that it was an extreme hardship that I called upon him to give up that piece of land, which, as I before said, he had never occupied. My reply was, "Mr. Curtis, I have never made a proposal to you in carrying out the arrangements to do that which was calculated for the benefit of the estate at large, that I have not been met in this kind of way, and pray if you are so habitually dissatisfied do avail yourself of your notice and quit your farm." It was not the first time that I felt myself compelled to speak to him in that manner. Mr. Curtis says that I was accustomed to speak to him with harshness; it was not the first time, perhaps, by more than one, or two, or three, in which I had spoken somewhat harshly to Mr. Curtis. Mr. Curtis, as I said, in my evidence in chief, is the alone discontented tenant in the parish of Norwell. Mr. Curtis has not only the best farm in Norwell, but there are very few clay farms in the county of Nottingham equal to his. I believe every gentleman here, and every gentleman in the House of Commons, will expect that the chief tenant upon his estate will aid him in carrying out those arrangements which are conducive to the general advantage of the estate. I have never asked Mr. Curtis to make a sacrifice in order to effect that object, and the instruction which I gave to Mr. Denman, for valuing the tenant right, I trust is calculated to convince the Committee that I have always had a due regard to the individual interests of the tenants, and to their mutual interests. As I said before, I have never proposed to Mr. Curtis any one of those changes, that Mr. Curtis has not invariably spoken in something like the terms in which he spoke to me that day, so much so, that not only on the occasion the other day when he was fairly under notice, but on a previous occasion after he had grumbled about that which Mr. Denman had done for him, I said, "Mr. Curtis, you shall cease to grumble, for I will ask the Commissioners to discharge you from the estate. I will not have the principal tenant upon the estate obstructing all my plans for the benefit of the estate." It is quite true that on a subsequent day, after having given him this intimation, and desiring that I might hear from him on the subject of the agreement, I desired my son to call upon him, and to tell him that I should be obliged to him, not "you shall," but "I shall be obliged to you, Mr. Curtis, to give up these 23 acres of land, and you shall have an equivalent for it in the wood." The Committee have had such evidence of the value of wood land to a tenant, that I need not say it could not be a disadvantage to him eventually to accept it; and, with respect to the disadvantage to him in the present year, he ought to have told the Committee that he is entitled to a valuation of all the acts of husbandry which he has performed upon that land in the preparation of it for wheat, and in sowing it for wheat, and therefore no possible injury could be done to him in that particular respect. I saw the tenant to whom I promised to appropriate that land on the day on which Mr. Curtis says I had my last interview with him; I asked him, "Have you seen Mr. Curtis?" he said, "Yes." "Well, what does he say; is Mr. Curtis willing that you shall have those 23 acres of land?" he said, "He is willing that I shall have it from next Lady-day, but not from the present Lady-day;" and he said, "Pray, if Mr. Curtis keeps it till then, do not give it to me."

1526. Mr. *E. Denison.*] Did you say to Mr. Curtis, "I beg you to take advantage of your notice if you are dissatisfied, and leave your farm;" or did you say, "You are to quit your farm?"—I have never at any time said to Mr. Curtis, "You are to quit your farm," from the first moment until now; not in so many words.

1527. Mr. *Walpole.*] On Wednesday last, did you give a notice to Mr. Curtis that he was to leave as to-morrow?—That which took place was this. He came to me; I said, "Have you the agreement, which I proposed to you, in your pocket?" "No." "Are you prepared to enter into that agreement?" "No, I am not." "Will you give up the land which you have not heretofore held, but which your father has held?" "No, I will not." "Will you exchange the 23 acres?" "No, I will not." "Then, Mr. Curtis, you know that your tenancy is at an end?" That is what took place.

1528. Then what took place after that?—Mr. Curtis said, "I shall appeal to the Commissioners." I said, "By all means, Mr. Curtis, I am quite happy that you should."

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1529. Did you say anything after that; that he was at all events to quit next Saturday?—Certainly not.

1530. Mr. *E. Denison.*] You said, "Your tenancy is at an end on Saturday"?—Yes, as in law, it is at an end; he will appeal to the Commissioners, and I am quite sure the Commissioners will determine the question.

1531. Lord *R. Cecil.*] You had told him he was not to take the slightest notice of the notice to quit in October, and yet on that notice you drive him from the farm?—It is not the fact that I said that; what my son said was, "Mr. Curtis, we hope not to disturb you in your occupation; the intention is so and so, and my father will carry out that intention." It is sometimes intended that a man's notice is absolute. The impression intended to be conveyed to Mr. Curtis was, that his notice was not an absolute one, but that it was conditional upon his complying with my requirements.

1532. Mr. *E. Denison.*] According to your own statement you have said that this notice was given with a distinct object; you have stated that it was given with a view to augment the rent?—Yes.

1533. And that you yourself abandoned that object?—Yes.

1534. Then you make use of the notice for another purpose; you say, "You are under notice now; I want such and such a field;" and because Mr. Curtis does not consent to your new proposal you say, "Your tenancy is at an end on Saturday"?—Pardon me; although the chief object of the notice was such, yet every tenant in the parish knows that the notices had reference also to such further arrangements in the reconstruction of the estate as remained to be carried out.

1535. *Chairman.*] Did you ever inform him that you wished him to give up those 23 acres before the month of March last?—No; and the intimation was not that we required, but that we wished him to give them up under the new state of facts. The wood land which has been talked about was not until that period in such a state that a tenant could use it with advantage until the present Ladyday. So soon as I found that I could give him a reasonable compensation for the land, I wished him to give it up.

1536. Sir *J. Pakington.*] On what day did you intimate to Mr. Curtis that his tenancy would expire on Saturday?—On Wednesday.

1537. Is it your intention to compel him to leave the farm?—I am entirely in the hands of the Ecclesiastical Commissioners.

1538. Will you have the kindness to answer my question directly; is it your intention to compel him to leave the farm?—I mean exactly what I say; I feel that he has appealed to the Ecclesiastical Commissioners, and it is for them to determine the question; I do not feel that it is at all in my hands.

1539. Has he appealed to the Ecclesiastical Commissioners from your decision, that he shall leave the farm to-morrow?—He says that he will appeal from it; this was on Wednesday. It was not practicable for me to report it to the Board before my coming here, or I certainly should have done so, and have taken the directions of the Commissioners upon it.

1540. Mr. *Walpole.*] You have made no report to the Board at present, I think?—I have not.

1541. Do you intend to make a report to the Ecclesiastical Commissioners of that fact or not?—Undoubtedly.

1542. When you told Mr. Curtis that his tenancy would be at an end on Saturday next, did anything pass between you and him which implied, that at all events he must quit his farm on Saturday next?—Certainly not. I expressed myself as I have done now: "Then, you will understand that your tenancy is at an end on Saturday."

1543. Was Mr. Curtis under the impression, that at all events he would have to quit the farm to-morrow?—On the contrary, he said, "I appeal to the Commissioners," and I said, "By all means; pray do so."

1544. Did you understand that as implying that he would have the opportunity of appealing to the Commissioners before he was compelled to give up the farm?—Most certainly.

1545. Sir *J. Pakington.*] Was it your intention at the time when you made this intimation as the agent, that if he had not appealed to the Commissioners he should leave the farm to-morrow?—I think his notice was in operation.

Martis, 8° die Aprilis, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Marquis of Blandford.	Mr. Evelyn Denison.
Sir James Graham.	Sir William Heathcote.
Mr. Wilkinson.	Mr. J. A. Smith.
Mr. Walpole.	Lord Robert Grosvenor.
Mr. Ingham.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR

James Jell Chalk, Esq., called in; and further Examined.

J. J. Chalk, Esq.

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1546. Lord *R. Cecil.*] THERE were some returns which, before Easter, you promised to give the Committee immediately after Easter?—Yes.

1547. Are they in a state of forwardness: you were asked for a return of the gross expenditure and income of the Ecclesiastical Commission, under certain heads, and a return relative to the answers to local claim applications?—The return as to the income and expenditure has been put in; it was put in at the last meeting of this Committee. The return as to tithes is, I find, more complicated than I at first thought it would be; it is not ready yet, but I hope to have it ready by the next meeting.

Vide Appendix, page 292.

1548. Mr. *Mowbray.*] In addition to the correspondence which has been already put in, relating to the Diocese of Durham, will you be so good as to produce a correspondence in 1851, between the Bishop of Durham and the Ecclesiastical Commissioners, relative to the patronage of the See, and a correspondence in 1853, between the Archdeacon of Durham and the clergy, and the Ecclesiastical Commissioners, relative to the claims of the Diocese of Durham?—I have them here; the correspondence of the Archdeacon of Durham and the county of Durham, with regard to the episcopal patronage, I have here. That which I understand from you to be a correspondence between the Commissioners and the Bishop of Durham will I think be found to be a correspondence between Mr. Lefevre and the Bishop of Durham, upon a subject which is still under consideration, and I have not included that in this Return. If the Committee require it, I will on Thursday next ascertain from the Board whether they think it ought to be put in.

Vide Appendix, page 260.

1549. There is a letter from the Bishop of Durham to Mr. Lefevre, dated, I think, in July 1851, which I am anxious to have on the Minutes?—Yes; and if the Committee will permit it to stand over until their next meeting, I will submit the question to the Ecclesiastical Commissioners on Thursday, and take their instructions upon it. If the Commissioners do not object to its being put in, I will have it ready on Friday.

1550. Lord *R. Cecil.*] There are two cases of local claims with respect to the Mansfield estate?—Yes.

1551. Can you put in the correspondence with reference to those; is it lengthy?—The correspondence which relates to the Mansfield tithes is very lengthy.—(*The Witness delivered in certain Returns.*)

Vide Appendix, page 358.

John Parkinson, Esq., called in; and Examined.

J. Parkinson, Esq.

1552. Mr. *E. Denison.*] YOU are a proprietor of land yourself, I believe, and you occupy a large farm of Lord Scarborough's?—Yes.

1553. You have been extensively employed in agencies and valuations?—Yes.

1554. You have lately valued the large estates of Lord Yarborough and Lord Zetland, I believe?—Yes.

1555. You were also one of the Commissioners for the enclosure of the parish of Norwell?—I was.

J. Parkinson, Esq.

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1556. And in that way are intimately acquainted with the parish and the value of it, and so on?—Yes.

1557. Have you visited the parish of Norwell, near which, indeed, you reside, lately?—Yes.

1558. Have you examined what has been done there in the way of alterations of buildings?—I noticed several buildings.

1559. It is clear, from the papers which have been put before the Committee, stating the rents which are paid in Norwell, that the rent is pretty nearly a full rent, according to the value, is it not?—I suppose so, from what I have seen and what I know.

1560. It has also been stated before the Committee, that notice was given to tenants that it was proposed to increase their rents, because the price of wheat was 80 *s.*, but that that intention was abandoned when the price of wheat fell to about 74 *s.*; therefore that would look as if the rent was pretty near the full mark, would it not?—Yes, I think they are full and fair rents at Norwell.

1561. That being the case, any large outlay in the way of buildings should be made with considerable care and prudence, should it not, in order not to throw too great a charge upon the land in the way of interest of money?—In the case of a very large outlay it would increase the rents beyond what rents are in the neighbourhood.

1562. Therefore outlay in buildings, in such cases, particularly where it is an outlay of public money and of the money of the Church, should be done with prudence and consideration?—I think it should be done so in all cases.

1563. You knew the buildings which have been spoken of as having been the buildings belonging to late Drury's farm?—Yes.

1564. There was a good farm house, and there were some good farm buildings?—Yes.

1565. Mr. Pickering stated that it was a very good house, and in a pleasant situation; that is so, is it not?—It is a good house.

1566. There was a barn which had been newly built by Mr. Wylde, and there were stables and other buildings?—I am not aware that it was built by Mr. Wylde, but there was a very good barn upon it.

1567. Those were pulled down, and a new set of farm buildings have been put up, known by the name of Knight's Farm Buildings?—Yes, I know those buildings.

1568. Can you tell the Committee what the distance is between Mr. Drury's buildings and Mr. Knight's buildings?—It has been measured to be 345 yards, and I believe that to be correct, from one house to the other.

1569. With respect to the farm buildings, including a new house which has been put up at Knight's, do you think that in itself a good situation for farm buildings?—No, I think it is not the best situation.

1570. For what reason do you think that?—I think if new buildings were to be erected, a more central situation to the arable land should have been chosen; in the second field on the Norwell side of Swinhaugh Wood.

1571. In conducting improved farming, is the situation of the buildings very important?—Certainly.

1572. They should be central to avoid unnecessary carriage of all kinds?—It is always desirable to have them as central as possible.

1573. Although I understand you to say that it might have been reasonable to incur a considerable expense to have removed buildings into a central situation, do you think that any good reason can be given for moving buildings at a large expense 340 yards?—I think the old farm houses would have done with a little addition to the out-buildings without any new farmstead, but if it were determined to have a new farmstead, the other is the proper situation.

1574. Mr. *Walpole.*] Which do you say is the proper situation?—Near Swinhaugh Wood, the place that I have adverted to

1575. Mr. *E. Denison.*] Lord Chichester has stated that the management of the estate of the Commissioners is done at a cheaper rate than the general management of the estates of private individuals. We understand that first of all 4 per cent. is allowed on the rental; 5 *s.* per acre for setting out draining; an overlooker is also allowed for draining; it was at 25 *s.*, and is now at 2 *l.* per week. Travelling expenses are allowed, and we understand that an arrangement is made by which 5 per cent. on buildings is to be allowed instead of paying the charge of architects. Is that, in your opinion, more or less than the ordinary expense of agency of an estate?—I think it is more.

1576. Would

1576. Would not 4 per cent. on the rental generally be considered to cover the other expenses which I have named, such as laying out drains, and other things which are here charged?—For the agency of such an estate as Norwell, assuming it to be about 2,500*l.* a year, which I think it is, I should think it would. *J. Parkinson*, Esq. 8 April 1856.

1577. Mr. *Walpole.*] Do you know accurately about the rental of this estate?—No; I can only assume that.

1578. Do you know what it was, and what it is now, and how much the rental has been raised?—I do not know what the rental is now. I have had no information upon it.

1579. *Chairman.*] Can you state what are the usual charges for draining?—It is not usual for an agent to charge in addition for draining.

1580. Mr. *E. Denison.*] If an agent has a man under him at a salary of 25*s.* or 2*l.* a week, is it usual, or do you know any instance in a private gentleman's estate, where the agent is allowed 5*s.* per acre for draining beyond that?—No; I do not know of any instance.

1581. You are aware that it is intended to grub up a wood, and to turn that into farming land?—Yes.

1582. Would not that circumstance make it much more important that the buildings should have been in a central situation, and near, therefore, to that wood?—I had regard to that in naming the situation I have done. I noticed that the wood was about to be converted into arable land.

1583. Are you an Assistant Commissioner under the Inclosure Commissioners?—Yes; I am an Assistant Inclosure Commissioner, and am sent occasionally to inclosures.

1584. Can you state what the charges are in every drainage sanctioned by the Inclosure Commissioners?—I have had nothing to do with the drainage business under the Inclosure Commissioners; I have been employed in the inclosure of lands.

1585. Has a great area of land been drained under the authority of the Inclosure Commissioners?—Yes, I am aware of that.

1586. Are you aware what the charges which are sanctioned by the Inclosure Commissioners in the case of draining, amount to?—As I have said, I have had nothing to do with the drainage under the Inclosure Commissioners; it is the inclosure business only.

1587. Have you, in any of the agencies which you have held, had occasion to have any drainage carried out under their sanction?—No.

1588. Are you aware what the charges sanctioned and permitted by the Inclosure Commissioners for drainage are?—I do not know; I am wholly ignorant; only I have an idea that it may be done quite as cheaply without going to the Commissioners.

1589. Marquis of *Blandford.*] In answer to the last question, you said that you were of opinion that it might be done wholly as cheaply without going to the Commissioners?—Yes.

1590. How can you form that opinion, if you do not know what the Commissioners charge?—I do not know any particular item, but I have reason to believe that the expense has been necessarily more by going to the Commissioners than if it were done without the payments which must inevitably occur by going to the Commissioners.

1591. Then, in fact, you make that answer without knowing what the Commissioners charge?—Just so; that is the inference, undoubtedly; I do not know the precise amount, but on another account the method which is pursued in some cases by the Commissioners is different from what I should think the best method.

Mr. *John Knight*, called in; and Examined.

1592. *Chairman.*] DO you occupy land on the Norwell estate?—Yes. Mr. *J. Knight.*

1593. What quantity of land?—I should say about 220 acres.

1594. Have you been satisfied with the treatment which you have received since the Ecclesiastical Commissioners became possessed of that property?—Yes.

1595. Do you know the sentiments of the occupiers generally; whether they are generally satisfied?—I believe they are.

1596. Have you any proof, which you can give, that they are satisfied?—

Mr. *J. Knight.*

8 April 1856.

[*The Witness produced the following letter, which was read:*]

To Mr. *J. Pickering*, Agent of the Ecclesiastical Commissioners for England.

Sir,

We, the undersigned, being tenants under the Ecclesiastical Commissioners of lands at Norwell and Norwell Woodhouse, in the county of Nottingham, beg most respectfully to state that we are, and always have been, as tenants under your management, satisfied with you as such agent; that we wish also to state, that there is a marked improvement in the cultivation of the lands in this parish, owing to the drainage and accommodation of new buildings, which, before you had the management, were in a deplorable condition, and which a few now remaining, belonging or very recently belonging to the lessees, will testify; and we further beg to state, that the position of the tenants at Norwell have much improved since the estates have been under your management as such agent; and we, as such tenants of the said Commissioners, are, and always have been, quite satisfied with the kindness and consideration as well as the ability you have displayed in this parish; in fact, to conclude, we can truly say, the parish is not like the same, owing to the additional buildings and drainage which have been executed and performed under your directions.

Dated 7 April 1856.

(signed) *Joseph Pearce*, Norwell Woodhouse.
James Taylor, farmer, Norwell Woodhouse.
Joseph Candwell, farmer, Norwell Woodhouse.
Thomas Pearce, farmer, Norwell Woodhouse.
Thomas Nettleship, farmer, Norwell.
John Rose, farmer, Norwell.
Thomas Radford, farmer, Norwell.
J. Templeman, farmer, Norwell.
John Knight, farmer, Norwell.
John Gray, farmer, Norwell.

1597. Mr. *Walpole.*] Are those tenants of the Norwell estate?—Yes.

1598. *Chairman.*] When did they sign that memorial?—A few days ago.

1599. How did it originate; who began it?—I do not know how it originated; something was got up; it was a tenant of the Commissioners who drew it up and asked the tenants to sign it if they thought proper to sign it. One tenant drew it up, and asked the others if they would sign such a thing.

1600. Lord *R. Cecil.*] Who is that one tenant?—Mr. Templeman, I believe.

1601. *Chairman.*] Did they all willingly subscribe that testimonial?—Yes.

1602. Have you had occasion to observe the draining which has been executed on the estate; have you observed whether it was well done, or ill done?—I am satisfied with it.

1603. Mr. *Walpole.*] Has any part of your farm been drained?—Yes, a great part of it has.

1604. Is that well or ill done?—It is improved by the doing of it.

1605. Lord *R. Cecil.*] Was any part of your farm drained by Mr. Pickering's nephew?—Yes.

1606. And you are satisfied with that drainage?—Yes.

1607. *Chairman.*] Has what was done by Mr. Pickering's nephew continued up to this time, or has it been altered and done over again?—Not any of it has been done over again.

1608. What charge have you had to pay on account of that drainage; have you had any charge to pay?—Not any that I am aware of.

1609. What is the rent which you pay for those 220 acres?—£.345.

1610. Has there been a new farm house built, and have there been new farm buildings?—Yes.

1611. Do those farm buildings satisfy you?—Yes, with the exception that I am very short of room for my carriages and implements; they satisfy me in other respects.

1612. Those buildings which you have are good, are they?—Yes.

1613. But they are not sufficient for what you want?—I am short of room for my implements and carriages.

1614. Is there room for your horses?—Yes.

1615. Have you applied to have those buildings enlarged, and to have room for your carriages?—I have applied to have a new waggon-shed.

1616. Mr. *E. Denison.*] Can you tell the Committee how much money has been laid out upon your farm and buildings?—I cannot.

1617. What do you think?—I do not know.

1618. What do you guess it at?—I cannot form any idea; I never asked the question; I never knew.

1619. Do

1619. Do you think there has been 3,000*l.* laid out upon them?—Perhaps there may; I do not know; no one has ever told me; and it never was my business to ask, and I never did.

1620. Are they done yet, or are they painting still?—I believe they are finished now.

1621. The other day?—Yes, I believe they are finished.

1622. You were under notice to quit the other day, were not you?—I had a notice at Michaelmas time to quit.

1623. If you are called upon to pay interest upon all the buildings that have been put up upon your farm, how do you think that will suit you?—I do not know, I am sure; I could not say; perhaps not very well; I do not know.

1624. At present are you paying interest upon the money which has been laid out on your buildings or not?—My land has been extended two or three different times since the buildings have been there, and each time an extra rent has been put on, according to the land which has been put to me, and I have paid the rent regularly in rotation, from one year to another, for such amounts of land as have been put to me.

1625. Still you were under notice to quit the other day?—I was under notice to quit at the back end of the year.

1626. With a view to a further arrangement of your lands, we understand. If you have to pay interest upon all those buildings, how do you think that will suit you?—I do not know that; I could not say how it might suit me; perhaps not very well; I do not know yet.

1627. Could you have cultivated your farm to more advantage if your buildings had been in the centre of your farm, instead of being at one end?—Yes, I think so; if they had been in the centre of the farm.

1628. If the buildings had been put in the centre of your farm, would it have been a great advantage to you?—It would have been better.

1629. *Chairman.*] Would it have been necessary in that case, if they had been in a central situation, to make any more roads?—I do not know.

1630. Mr. *Walpole.*] Where are your buildings now; near the village, are they not?—Yes, just at the end of the village.

1631. Is not there a convenience in their being near the village?—There is a convenience; but, of course, if they had been in the centre they would not have been far from the village.

1632. Marquis of *Blandford.*] Have you any grass land?—Yes, a little grass land.

1633. Is that near your buildings?—I have a little near the buildings, but very little.

1634. You have very little in the farm altogether?—Yes.

1635. Lord *R. Cecil.*] You received notice to quit at Michaelmas; what did you understand by that notice; that you were to leave last Saturday?—No, I did not understand that it was so; I do not know what it might be; I have an understanding in my own mind that it was only for giving a per-centage.

1636. Would you have been very much surprised at being turned out of your farm on Saturday?—Yes, I should have been taken by surprise if I had been turned out on Saturday without any further notice at all.

1637. Or if you had had a week's notice, you would have been very much surprised?—I should.

1638. Marquis of *Blandford.*] Has any difference taken place in your tenure of the land from what it was last Michaelmas, when you received that notice, either in the rent which you pay, or the quantity of land which you hold?—Not any.

1639. Mr. *Walpole.*] When the notice was given to you, was anything said to you by the person who gave the notice?—No.

1640. I mean as to the purpose for which the notice was given?—Not a word when it was given to me. I heard afterwards, that it might be for something of the sort, but at the time the notice was delivered to me, there was not a word said.

1641. But afterwards you heard that it might be for a per-centage?—Yes.

1642. That is, you supposed that it might be for raising a per-centage upon the outlays made on the farm?—Yes.

1643. Do you know a tenant of the name of Curtis?—Yes, very well.

1644. Have you ever heard him complain of the conduct of the agent of the Ecclesiastical Commissioners towards him in reference to his farm?—I have heard him complain about Mr. Pickering wishing him to give some land up.

Mr. *J. Knight.*

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1645. But as to the general management, have you heard him complain; as to the general conduct of Mr. Pickering towards him?—No, I never had any conversation with Mr. Curtis respecting that.

1646. Marquis of *Blandford.*] Can you tell the Committee what is the average rent per acre which you pay on your land?—I think I have a little over 220 acres, I cannot be positively sure, and I pay 345 *l.*

1647. Do you pay a higher rent than the average of rent which is paid for the land in the neighbourhood?—I think I pay as high a rent as the generality, and I think perhaps it may be a little higher.

1648. Do you think that that excess of price has been added in consequence of the new buildings?—I think not, because I think it was so before.

1649. Were those buildings necessary in order to make the farm complete and in good working order?—They were very necessary for it; for as to the old buildings, no man in the world could occupy the land with them.

1650. So that they were absolutely necessary for the occupation of the land?—There were no buildings but tumble-down places.

1651. Lord *R. Cecil.*] But the new buildings were erected at the wrong place?—I think they might have been built perhaps rather better.

1652. Did anybody consult you before they were built?—No.

1653. Marquis of *Blandford.*] Do you consider that the farm would have been letable at the rent which you now pay without those buildings having been erected upon it?—It would not have been tenantable at all. I have heard neighbours say that they would not have the land if they could have it for nothing with those buildings which were occupied with it; it was not fit for any man to have.

1654. Mr. *E. Denison.*] But as you were paying this rent before the buildings were made, you must be quite sure that this question of buildings remains behind somewhere?—I do not know why I should be taxed with extra rent to what other tenants pay for putting proper buildings. There were not buildings, and the land could not be occupied without buildings.

1655. If you do not pay for the buildings, somebody will lose the money?—I paid dear enough before, and now dearer than other folks.

1656. You are paying now dearer than other folks for your land?—Yes.

1657. And yet the buildings have not been paid for?—I expect that I have not to pay for the buildings.

1658. Then, will not somebody lose the money?—I do not know anything about that.

1659. Marquis of *Blandford.*] The fact is, that you were paying too much for your land before without the buildings?—I was.

1660. *Chairman.*] You know where Drury's house and farm were?—I do, perfectly well.

1661. Supposing farm buildings had been added to Drury's farm, so as to make those farm buildings more complete, should you have been satisfied to have had that house, with the farm buildings, instead of what you have at present?—I should not.

1662. What reason have you for not being satisfied?—The distance is so far betwixt that I should not have liked it at all.

1663. We are told that the distance is only 340 yards?—I beg your pardon, it is considerably more.

1664. Mr. *E. Denison.*] How far is it?—It is more than 400 yards from one yard to the other, and from the stack-yard considerably more; and every load of corn would have to go from my place into the stack-yard, which, I will be bound to say, is 470 yards. There would be at least 400 yards there and back, and that is a great disadvantage to a tenant.

Thomas Beasley, Esq., called in; and Examined.

T. *Beasley*, Esq.

1665. *Chairman.*] ARE you largely engaged as a land agent, and also the owner and occupier of land?—Yes.

1666. Have you had any experience in the management of estates in the county of Nottingham?—Yes, I have.

1667. Have you recently viewed the Norwell estate, vested in the Ecclesiastical Commissioners, with reference to the mode in which the lands were some time since occupied, and the manner in which the occupation has been re-distributed?—I have.

1668. In

1668. In what way do you think that the changes which have been effected have acted as regards the productiveness of the property?—I think the arrangements have increased the productiveness of the land; the arrangements have been so made as to give the farmers a much better chance of occupying and cultivating it.

1669. It is stated that about 3,000 *l.* has been expended in improving the farm buildings; supposing that to be the case, do you consider that that sum has been carefully laid out?—There has been a great deal done; I should think it has been carefully laid out; it has been well laid out as to arrangement.

1670. With respect to the redistribution of the land, has due regard been paid to the reasonable claims of the tenants who have been subjected to these changes?—I think as much regard as can ever be paid to the wishes of tenants in making a rearrangement of farms; it is quite impossible to satisfy every tenant in making a rearrangement; there will always be some tenant who thinks that he is not so well off, even if he has the best share in the change.

1671. Do you think that that 3,000 *l.* which has been expended was judiciously laid out with a view to the proceeds of the farm?—The expenditure applies to about 1,300 or 1,400 acres of land, and I think from the improved state of the buildings, and the better situation in which they are placed, that land is worth more by 200 *l.* a year than it was before.

1672. Mr. *E. Denison.*] What property in the county of Nottingham have you been engaged with?—Kingsey, near Tuxford; and also Spaldford and Wigsley, near Newark.

1673. Generally speaking, where do your engagements lie?—In Leicestershire principally, and Lincolnshire.

1674. Were you professionally employed to look over Norwell, or under what circumstances did you view it?—I was asked by Mr. Pickering to look over Norwell.

1675. As a friend?—As a friend.

1676. Not professionally?—Not professionally.

1677. As a friend of Mr. Pickering's?—I have not known enough of Mr. Pickering to say so. I knew him quite well, and he knew that I was living in the neighbourhood, not very far from Norwell, and that I had estates under my care in the neighbourhood of Norwell, and on that account, I believe, he asked me to undertake a survey of what he had done at Norwell.

1678. How long did your visit to Norwell extend?—I have known Norwell for a great many years; my last visit to Norwell, for the purpose of inspecting the changes that had been made, only lasted one day.

1679. What portion of the day?—The whole of the day.

1680. The land was very dry, at that time, I believe?—There had been some rain two nights before, but it had become dry again.

1681. You could not give any opinion about the draining, I imagine?—I think I could. I think the land would not have been so dry as it was, unless it had been efficiently drained. We had some considerable quantity of rain on the Sunday night, and on the Wednesday I found the land there very dry; for all agricultural purposes it was dry.

1682. Do you, upon your giving evidence here, state that the buildings upon Knight's farm are placed in a judicious situation?—Yes, I think so.

1683. Do you give it as your opinion that if a complete set of new buildings had to be built (because that is the case), they should have been built where Knight's buildings were built, or do you agree with the tenant who has just left your seat, that it would have been an advantage to him if the buildings had been put more in the centre of his farm?—More in the centre of the farm they would have saved him a little labour unquestionably; but I hold that there is a very great disadvantage in removing a farmer and the whole of his farm buildings away from the village; all superintendence of his labourers and of the poor generally is lost; then the grass land at that end of the farm made it also, I think, desirable that the buildings should be where they are; they are not inconveniently placed for the occupation of the farm now.

1684. I put it to you, upon your character as an agent, whether or not, taking all the matters into account, it would have been more judicious to have placed those buildings in a central situation, or to have placed them at the extreme end of the farm where they are placed?—I am quite willing to risk my reputation as an agent in answer to that question. If I had placed the buildings I should not have placed them in the middle of the farm, but where they are.

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1685. Mr. *J. A. Smith.*] Will you give your reason for that?—I disapprove of sending the occupier of land, generally speaking, away from the village; away from the poor; away from the labourers who live in the villages, generally speaking. That is one reason. The other reason is, that the situation in which the farm buildings are placed has a greater command of the farm generally than it would have in the other spot; in addition to which, the grass land is at that end of the farm where the buildings are placed.

1686. Can you give the Committee any idea of how far it would be from the village to the centre of the farm?—I should think not quite half a mile from the first buildings; from the church it would be very nearly a mile.

1687. In reference to the object which you have in not removing the farmer from the poor, how far would he be in the centre of the farm?—In the centre of the farm he would be three-quarters of a mile from the village church.

1688. Mr. *Ingham.*] Is the village built round the church?—No; the church is very nearly at the extreme end, the contrary end to the farm buildings.

1689. Mr. *J. A. Smith.*] Is that a fair answer to my question in reference to the distance which he would be separated from the poor; I suppose by the poor you mean his labourers?—Yes.

1690. How far, at the centre of the farm, would he be distant from the residence of his labourers?—Rather over half a mile.

1691. Do you think that an unreasonable distance?—I think it a very great disadvantage. All the labourers would have to come that distance when they left home, and all the horses and all the cattle in the farmyard would have to be taken care of by persons living half a mile away. But I think there is a little advantage in the buildings being in the centre of the farm.

1692. Mr. *E. Denison.*] Are you aware that it is the habit of that country to have farm servants living in the house with the farmer?—It is not nearly so much so as it was; it is not, as a general custom, the habit of the country.

1693. Are you not aware that almost every farmer has farm servants who look after his horses and his cattle on the farm?—He has one or two, but not nearly the number required for looking after the cattle.

1694. If a tenant has the men who look after his horses on the spot, which is almost invariably the case, the case which you have put of a man coming half a mile does not arise?—Not nearly the number required for the superintendence of the cattle and the horses are ever kept in a farm house.

1695. How many horses would Knight keep?—He has, I think, 240 acres of land; he would require from eight to ten, I suppose.

1696. (To Mr. *Knight.*) How many horses do you keep?—Eight.

1697. How many men have you to look after and feed your horses?—Two men.

1698. Mr. *Walpole.*] (To Mr. *Beasley.*) Did you know Knight's buildings before they were altered?—I remember Drury's house; I do not remember the house Knight lived in.

1699. Was it a fit habitation for a farm house?—The house was a comfortable one, but the buildings were very bad.

1700. They required material alteration?—They required rebuilding.

1701. Mr. *E. Denison.*] What do you mean by their requiring rebuilding; did you know the state of the barn?—The barn was a more recent building than the rest.

1702. The house was good?—The house was good; it was a comfortable house.

1703. And the barn was good?—The barn was tolerably good, I think; it was sufficient.

1704. Did you know it?—I remember it perfectly well.

1705. What was the state of the stable?—The buildings generally gave you the impression that they were very much out of repair; I am speaking simply from passing them, not from having examined them. The whole of the buildings in Norwell were in a very bad state of repair; very much neglected.

1706. In carrying on the management of land with tenants who are not upon leases, but who are upon yearly tenancies, confidence is the very essence of that system, is it not?—It is.

1707. Giving tenants notices to quit is a thing which should be done only with great consideration?—I think it should, with great consideration.

1708. Did you ever hear of the case of an agent giving notices to quit, with a view of raising the rents of the tenants, when the price of wheat was 80 *s.*, and withdrawing those notices because the price of wheat had fallen down to 74 *s.*?—No, I should think that could not be the reason.

1709. What

1709. What is the meaning of giving a tenant six months' notice before he is compelled to quit his farm?—That he should have an opportunity of preparing for the removal, I take it, and providing himself with another farm.

1710. Then when a man has notice to quit his farm the proposed changes, and all matters which it is necessary for him to consider before he decides whether he will act upon that notice or not, should be laid before the man at the same time, should they not?—As soon as possible, I think.

1711. Did you ever hear, in your experience, of three days before the expiration of the term, putting to a man certain new circumstances, that is to say, that he must give up certain fields, and upon his declining to do that saying, "You are under notice to quit; therefore, this is Wednesday, you leave your farm on Saturday?—I think great consideration should be exercised before adopting such a system as that.

1712. Did you ever, in your own experience, in any county in which you have been engaged, hear of such an act from a respectable agent to a tenant?—I am afraid I should be considered rather personal if I answered that question.

1713. I require an answer to it?—I have heard of it.

1714. Will you state it?—A tenant in the neighbourhood of Billingborough was turned out three days before Lady-day, quite contrary to his expectations, last year; he was a very large occupier, and a very good farmer.

1715. Was that a remarkable exception to ordinary cases?—It was one which was very much complained of.

1716. Should you yourself think it a very violent action?—I should not act upon it.

1717. Mr. *Ingham.*] Have the new farm buildings any accommodation for the labourers to live upon the premises?—No, not in the buildings themselves; they live in cottages in the village.

1718. Is it the practice in that part of the country to have the labourers living in cottages adjacent to the farmstead belonging to the farmer?—No; the cottagers are generally tenants of the landlord, and not of the tenant; they rent the cottages directly from the landlord, not, generally speaking, from the occupiers of the farms; so that they are in the village, but not exactly upon the farm.

1719. Marquis of *Blandford.*] Is it usual with regard to draining, with reference to the agency under which draining is conducted, to make any additional charge for the draining?—Not in the agency of private gentlemen.

1720. Do you mean with agents receiving salaries from private gentlemen?—Yes.

1721. With agents who do not receive salaries, but who perform their business by charging so much for that particular matter of business, it would be usual?—A person is appointed by the agent to superintend the draining, and he is paid by the proprietor. It would be impossible for an agent to superintend the whole of the work, and he is allowed a person to superintend the draining, in addition to the commission paid to the agent for draining.

1722. Then am I to understand from you that a commission is paid to the agent for draining as well as the amount paid to the superintendent who overlooks it?—Yes, they are two distinct parties.

1723. Mr. *E. Denison.*] Do you mean to say that in the management of a private estate, the agent of the estate, besides having men to look after the drainage, charges for a man to superintend the drainage?—No; I distinctly said that the agent of a private estate was paid entirely by salary and not by commission; but it is a very common practice now to employ agents simply for carrying out the works of drainage, who have a commission for carrying out those works, and they are also allowed to pay a higher rate of wages to a man who is considered the superintendent.

1724. Marquis of *Blandford.*] Then I understand from you that in a case where the agent upon a private estate receives a salary for the management of that estate, he would not usually charge an extra commission for draining?—No, I think not.

1725. When you say a "salary" are we to understand from that, that it is a yearly salary which he receives, or is it a certain commission upon the rents?—A fixed salary.

1726. Then when an agent receives a commission upon the rents for managing an estate, should you say that in that case he is entitled to charge an extra commission for any work undertaken in draining?—I think that would depend entirely upon the arrangement which was made with his employer before he entered upon the services.

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1727. Mr. *E. Denison.*] Is there any difference between saying 4 per cent. upon the rental, and a salary?—No.

1728. Mr. *Walpole.*] Do you know what the Inclosure Commissioners sanction for drainage?—They pay a commission to the person superintending in addition to the charge for the drainage. The Land Improvement Companies also make a charge in addition to the charge for draining as a commission for the superintendence.

1729. Do you know what the charges respectively are?—I think the Land Improvement Commissioners charge from 9*s.* to 11*s.* an acre.

1730. For the drainage?—That covers the whole; it covers the superintendence and their own work as well; it covers the whole of the superintendence.

1731. And the drainage?—No.

1732. What do they charge for the drainage besides?—From 4*l.* to 5*l.* per acre.

John Pickering, Esq., called in; and further Examined.

J. Pickering, Esq.

1733. *Chairman.*] You stated, in answer to Question 1311, that if you were wrong in your supposition that your nephew was paid out of your drainage allowance of 5*s.* an acre, you would correct that statement. Do you wish to make any correction?—I find on reference that the arrangement as to 5*s.* an acre was not made until the close of that year. The superintendence of the drainage from December 1850 to April 1851 was paid by a charge of three guineas a day, and amounted on the 141 acres to about 49*l.*, equivalent to 7*s.* an acre. Since that time the allowance has been 5*s.* an acre, as is allowed by the Drainage Commissioners.

1734. With respect to the arrangement made with your nephew, what was that arrangement?—The drainage was authorised on the 6th of December 1850. It was begun by my nephew on the 17th of December 1850, and finished on the 17th of April 1851, and after a portion of the drainage had been effected a scale of prices was fixed, out of which my nephew obtained his remuneration. That scale was lower than the prices paid at that time in that neighbourhood.

1735. Is it the scale of 5*s.* an acre to which you are now alluding?—No; it is a scale of cost of the drainage itself at per chain. There is one other explanation which I beg leave to make, and that is as to the answers to Questions 1331 and 1332, relative to the distance. I had stated the distance to be the fifth of a mile, and I was desired to state it in yards. I made a mental calculation unfortunately of feet instead of yards, and thus the error arose which I am sorry to say I fell into. I am not aware that there is any other point upon which I need ask for correction.

1736. With respect to the salaries and allowances which you have as agents to the Ecclesiastical Commissioners, have you any fixed salary by the year?—We have not a fixed salary by the year, but a per-centage upon the rents, 4 per cent., which 4 per cent. includes all our travelling expenses; and I may take perhaps the liberty to point to the fact, that the estates which are under our conduct are largely dispersed in small plots throughout a great extent of country, which is a circumstance affecting the scale upon which the charge is made.

1737. Is that scale intended to continue, whatever may be the number and amount of the estates in the hands of the Ecclesiastical Commissioners?—That is a question which it is not competent for me to determine; at present I know of no intention to vary it.

1738. What other allowances have you for drainage or for building, or for any other work which you execute?—We have an allowance of 5*s.* an acre for setting out the drainage and for the superintendence of it, which has been before specified, and in that particular we are allowed our travelling expenses. With respect to buildings, I said on the former day that we heretofore had been allowed an architect who was paid 4 per cent., and I intimated that a change was about to take place. I am afraid the language I employed would lead the Committee to the conclusion that a change had actually taken place; but at present we have no distinct intimation of that kind; nevertheless we understand that the architect is not henceforth to be allowed to us.

1739. And what do you understand will be the allowance to you in lieu of the architect?—There has been no communication between ourselves and the Commissioners. I find, upon reviewing what I have said, and the circumstances which have taken place, that what I stated was the result of some deliberation between my partner and myself.

1740. You

1740. You expect that, when the architect is no longer allowed, there will be an additional amount of allowance to you for the expenses which you may incur?—I have no doubt that there will be.

1741. Do you consider that these allowances of 4 per cent. on the rental and the allowance for drainage, constitute altogether an amount about equal to the average salary of agents?—I do not think I am sufficiently conversant with the average salary of agents to answer that question correctly.

1742. You cannot say that your allowances are less, or that you do work cheaper, than agents of individual proprietors?—My impression is, that our allowances are only equal to those which men at large receive for their services. The distribution of our agencies extends over the entire north of England in the management of 17,000 acres of land.

1743. Marquis of *Blandford.*] Am I to understand that this charge of 5 *s.* per acre, which is allowed for drainage, includes the charge for the superintendence of that drainage?—Not the foreman.

1744. You are allowed another charge for the foreman?—We are allowed another charge for our foreman. As I stated the other day, the allowance to ourselves is merely for what the Inclosure Commissioners call the engineering duty, namely, the setting out the drainage and the taking care that it is altogether satisfactorily carried out.

1745. Do you superintend the estates of any private proprietors?—Our private agencies are comparatively small.

1746. Have you ever conducted draining works for private proprietors?—Yes.

1747. Have you made the same charge?—I have made the same charge, and my charge was authenticated by the Inclosure Commissioners.

1748. Mr. *E. Denison.*] That was under some borrowed money?—Yes, under a Government loan; the Exchequer Loan Fund.

1749. Marquis of *Blandford.*] What does the rate of charge amount to which you are allowed for your additional superintendents?—Five shillings an acre.

1750. That is for yourself; what is it for your superintendent?—My superintendent has been receiving 2 *l.* a week during the past season; he this year has conducted so large an extent, that it is something considerably under 5 *s.* an acre; I am not quite aware how much. He has had 100 hands under his control in the affairs of drainage.

1751. Mr. *E. Denison.*] You are not allowed travelling expenses for general agency?—It is so.

1752. But in the event of your going to lay out drainage, you are allowed travelling expenses?—Yes.

1753. How is that distinction drawn; when you are at a place, and are visiting property there, cannot you accomplish everything in one visit?—By no means; I have made, I am not prepared to say how many journies, but not less than once in three weeks, a special journey on account of draining, during the last six or nine months.

1754. To the parish of Norwell?—No; in Norwell we have had little performed since the spring of 1854. I think we have draining going on in three other places at the present moment.

1755. You stated the other day that you had a local agent in addition to all this, and you said that your local agent at Norwell had done so-and-so; who is this local agent?—Mr. Templeman is at present superintending my work in the wood.

1756. Mr. Templeman is your local agent?—Quite so.

1757. How is he paid?—We ourselves pay him a gratuity from time to time.

1758. Mr. Templeman is your local agent?—Quite so.

1759. But Mr. Templeman is the gentleman who drew up this complimentary letter, I think, is he not?—I cannot say; the complimentary letter did not come under my notice until to-day.

1760. But Mr. Templeman, who is your local agent, draws up a letter and takes it round to each of the tenants to ask whether they will sign it?—Neither by any instigation of mine nor with my knowledge.

1761. But that is the fact, is it not?—It has been so stated here by Mr. Knight to-day; I was not cognizant of it until this morning.

1762. Mr. *Ingham.*] You said that the superintendent of the draining was paid out of the general charge which was made for executing the draining?—Yes, he is paid a substantive rate per week for it.

1763. But it comes out of the sum which is allowed for executing the drainage?—

age?—Yes. It will be seen by reference to the accounts, which are before the Committee, that there is a substantive charge made for his time.

1764. Do you know, without referring to the papers, what the charge is for executing the drainage; how much per acre for finding the tiles, the labour, and the superintendence?—It varies very largely. During the five years that the draining of the Ecclesiastical Commissioners has been in progress, it has risen from 4*l.* 18*s.* to 5*l.* 16*s.*, and in the North of Yorkshire upwards of 6*l.*; but there are there greater mechanical difficulties.

1765. The scale which you mention covers all expenses of superintendence, and tiles, and draining?—All expenses. May I be permitted a moment to speak on the subject of the situation of the farm buildings; the evidence which I have heard here to-day, I am at liberty, perhaps, to allude to. Mr. Parkinson points out a situation for the farm buildings which is perhaps as cold a piece of arable land as is to be found in the parish of Norwell; it is very nearly at the summit of the farm, and all the carriage from the farm to the farm buildings must have ascended to it. He also speaks of it with reference to its relative position as to the wood. I have no hesitation in saying that the attaching the wood to this farm would be most unwise. The whole of what belonged to the wood would have to be brought to what for Norwell is a considerable elevation, for the top of the wood is the highest portion of the township of Norwell proper. That is strictly the fact. I am quite sure everybody here knows that the homestead ought to have some pasturage in immediate connexion with it. I do not believe that with the most skilful management the field in question could be made a pasture field in 20 years.

1766. Mr. *E. Denison.*] You yourself stated, the other day, that you proposed as a compensation to Mr. Curtis, that he should have some land in thiswood?—Just so.

1767. But then everything would have to be drawn from this wood to the very extreme end?—But it is a descent to Mr. Curtis's road and an ascent to the other road. Then the land which I propose to take from Mr. Curtis is very nearly half a mile further than the portion of wood which I propose to attach to him. Then again, with relation to buildings in a village, during the time that that estate was in the hands of Colonel Wylde, from whom the Commissioners purchased one of Mr. Curtis's farms, it was under the agency, I believe occasional only, but under the agency of Mr. Parkinson. I am quite ready to be set right by Mr. Parkinson, if I am wrong. Mr. Curtis has two sets of farm buildings. Like Knight's, one set of these farm buildings were in a condition of total decay, perfectly inapplicable to its purpose, and Mr. Parkinson advised the rebuilding them within the village at the extremity of Mr. Curtis's holding. I have no doubt that he advised it upon the same good reason which has been given here to-day, the contiguity to pasture.

1768. *Chairman.*] With respect to the notices to quit which you gave, which were mentioned the other day, were those notices to quit given entirely with a view to raising the rent in case of high prices of wheat, or were they given partly with a view to get possession of certain pieces of land, for the purpose of re-distribution?—Entirely with a view to raising rents. In obtaining possession, I did not feel that it was necessary; I have always found the tenants disposed, with more or less of explanation, to consent to those exchanges which I have heretofore endeavoured to effect. I therefore should not have given them notice with that especial view.

1769. Do not you consider that it is a harsh proceeding to give notices to quit, with an intimation that they may not be carried into effect, and then suddenly to say that they will be carried into effect?—I think the tenants were distinctly aware of the extent to which they would be used against them. They distinctly understood that it was only for the purpose of making an addition in respect of the outlay upon their farms, and from time to time throughout the period, with one or another of them, I had made mention of it, and I am happy to say that there was not one of them who stated an objection to it. They said, "We are prepared to leave ourselves in your hands." One or two of them said, "I am sure you will not hurt me."

1770. With respect to Mr. Knight, do you consider that he is at present under any notice, or is his notice entirely at an end?—Mr. Knight and myself have a perfect understanding with regard to the future. The understanding is of the nature of that which I shadowed forth in my evidence-in-chief.

1771. Have the Commissioners come to any resolution with respect to Mr. Curtis?—I believe that Mr. Curtis is to attend the Board on Thursday.

1772. Sir *J. Graham.*] What depth have you drained the Norwell estate?—

By

By far the greater part of it four feet deep. Wherever the levels will permit we have drained four feet deep.

1773. Mr. *E. Denison.*] The Chairman asked you a question just now, to which I did not understand your answer. I understood the Chairman to ask you whether you had given the notices distinctly with a view of raising the rents, and I understood your answer to be, that you had done so?—I did so.

1774. I should like to give you an opportunity of correcting that answer. Then the Chairman asked, was it not a harsh proceeding, having given a notice with one object, just before the expiration of the tenancy, to use it for another object, and to eject the tenant, not on the question of the rent, but on the question of his not giving up some land?—I cannot help believing that when a tenant had to balance between his rent being advanced and the making an exchange of a few acres of land which could not be to his disadvantage, he would not object to that course. And, moreover, he was requested to leave them, but he was never told, until he refused in any particular to comply, that his notice would be acted upon.

1775. The fact of the case is, that the notice having been given with a view to raising rents, the proposal of raising rents was abandoned?—Just so.

1776. Then the question of balancing between rent and something else does not arise. The question of raising rents is abandoned. Then you turn round upon the man and say, "Unless you give me up these fields, remember you are under notice, and you leave your farm on Saturday"?—I do not think I can state it more accurately than I did here the other day.

1777. I have received by the post, this morning, a letter from Norwell, signed "George Clark," in which he states, that he was not satisfied that he was to quit his land until the 2d of April?—His allegation that he did not know anything about quitting the land until the 2d of April is utterly false; he never was told, from first to last, that there was any other purpose than that he should exchange his land. The land was a new purchase by the Commissioners; purchased with the view of attaching it to another farm, and he was under notice to quit at the time the purchase was made.

1778. Is George Clark one of the tenants who have signed the testimonial?—No, I believe not. I have made an exchange for George Clark, which I am quite sure is exceedingly for his advantage; he was occupying 13 acres of land, with two horses, and I have given him two cow pastures instead.

1779. Sir *J. Graham.*] The notice having been withdrawn in Curtis's case, will he hold over the occupation of the land which you wished him to transfer?—I conclude so. I am not quite aware of the nature of the communication which the Commissioners have made to him, but whatever communication the Commissioners have made to him will of course be carried out.

1780. If he shall hold over in consequence of what has occurred, will that be to the detriment of the general arrangement of the Norwell property, in your opinion?—No doubt of it whatever.

1781. And the interference, from whatever source it proceeds, will in your opinion be injurious to the management of the Norwell estate?—Decidedly so.

1782. Lord *R. Cecil.*] Did I rightly understand you to say that you had not distinctly told Mr. Curtis that he was to leave; did not you, a few answers ago, say that you had not distinctly intimated to Mr. Curtis that he was to leave, but only that you wished him to do so?—I told Mr. Curtis that his tenancy expired on Saturday last; that was the expression which I employed on the prior Wednesday; legally, it so expired.

1783. Sir *J. Graham.*] If Mr. Curtis, in consequence of the notice to quit being withdrawn, shall continue to hold over the land which you wish him to surrender, would you advise the Ecclesiastical Commissioners in the present year to renew the notice to quit, so as to give effect to the arrangement which you recommend?—Certainly.

1784. Lord *R. Cecil.*] In answer 1450, Mr. Curtis says, "Mr. Pickering's son said, if I would give up three fields his father would let me have some of this wood land; but Mr. Pickering had previously told me that he wanted some one to farm the wood land well for three or four years, to lime it and get it into a good state, and then he wanted to lay it down in a convenient state for the Wood House Farm; so I declined to have anything to do with the wood-land upon those conditions"?—I told Mr. Curtis on the 29th of February, to prevent his feeling apprehension with respect to the future, that I would advise the Commissioners to give him a lease of from 12 to 16 years.

Matthew Harvey, Esq., called in; and Examined.

M. Harvey, Esq.

8 April 1856.

1785. *Chairman.*] DO you farm in the neighbourhood of the Norwell estate?—Within eight miles.

1786. What quantity of land do you farm?--Nine hundred acres.

1787. Do you know the Norwell estate?—Yes.

1788. Have you recently visited it?—I have.

1789. Have you formed any opinion as to the new arrangements which have been made, and the distribution of the occupations?—I think they have been arranged with great judgment.

1790. Have you had occasion to see the house and new buildings on Knight's farm?—I have.

1791. Do you think that those buildings are conveniently placed?—I do.

1792. Do you consider that they are better, where they are placed, than they would have been more in the centre of the farm?—I think they are much better placed where they are than where Mr. Parkinson pointed out, because, as Mr. Pickering justly observes, there is no grass near that position, and it is a great convenience to have it round the house.

1793. Were you acquainted with Drury's farm before the farm buildings were taken down?—I was not.

1794. Is your opinion generally favourable as to the re-distribution of the holdings?—Yes, quite so.

1795. Mr. *E. Denison.*] You are not a land agent, I think?—No, not at all.

1796. Did you go over to Norwell as a friend of Mr. Pickering's?—Yes.

1797. Did you go over with Mr. Pickering?—Yes, I did.

1798. And he showed you round?—Yes.

1799. Have you been a holder of Church property?—Yes, I am now.

1800. Have you enfranchised Church property?—It is sold to the Commissioners.

1801. Where?—In Balderton.

1802. You have heard here, probably, what has been done about notices given to tenants?—Yes, I have.

1803. Do you think, as an occupier of land, and as a gentleman conversant with farming affairs, that it is likely to promote confidence in the country, that notice should be given to a tenant with a view of raising his rent, and that that being abandoned, he should be told on Wednesday, that if he does not give up certain land, he must leave his farm on Saturday; what do you think of that?—If I had been the tenant, I should not have taken any notice of the Wednesday's notice, because it would be impossible to carry it out.

1804. What should you have done if you had been a tenant, under those circumstances?—I should have appealed to the Commissioners, unless I could have made arrangements with Mr. Pickering.

1805. The notice, being a legal notice, if you say that you should not take any notice of it, I am afraid the law might take notice of it?—Yes; I dare say it might as far as that is concerned; but I think Mr. Pickering would not have made that remark to me; I should not have stood in his way, I think, so that he would have had no occasion to do so.

1806. You mean that you would have given way to Mr. Pickering?—I should have known beforehand what Mr. Pickering wished to do, and of course if I thought it right I should have done so.

1807. But I have put the case to you, that on Wednesday you are asked to do a thing which you do not like, and told, that if you do not do it you are to go out of your farm on Saturday; how should you like that?—I should not have liked it at all.

1808. Marquis of *Blandford.*] What I understand you to mean is this, that you would have appealed to the Commissioners?—Yes; when I received the notice I should have come to an understanding with Mr. Pickering as to what it was for, so that the thing would not have been driven so late.

1809. The Commissioners must have been the persons to have put the notice into effect?—That I am not able to speak to at all; I do not know what arrangement the Commissioners may have with Mr. Pickering; how far his notice may be good; I suppose it would be so; but what I mean to say is this, that if I had had a notice

a notice in October, I should have seen Mr. Pickering on the subject, to know exactly what he required in what was done, and if he had required nothing unreasonable, I should have met his wishes, and that would have prevented all necessity for the notice on the Wednesday.

M. Harvey, Esq.
8 April 1856.

Veneris, 11° *die Aprilis*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Ingham.
Sir George Grey.	Lord Robert Cecil.
Sir James Graham.	Mr. Evelyn Denison.
Sir John Pakington.	Sir William Heathcote.
Marquis of Blandford.	Mr. J. A. Smith.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

James Jell Chalk, Esq., called in; and further Examined.

J. J. Chalk, Esq.
11 April 1856.

1810. Sir *G. Grey.*] WHEN Mr. Pickering was under examination some time ago, he stated that the accounts relating to the Norwell expenditure were incomplete, because they were kept, as the Committee understood, in different departments of the office of the Ecclesiastical Commissioners, and that we had only got those accounts which were kept in one department. I asked him whether he could furnish the Committee with a complete statement of the aggregate expenditure on account of the Norwell estate since it had been in the hands of the Commissioners, distributing that aggregate expenditure under the different principal heads, such as draining, buildings, and management. He answered, that he could do that, and would do so by the next meeting of the Committee, or to that effect. I understand from Mr. Denison that he does not think that the return put in subsequently by Mr. Pickering or by you from the Ecclesiastical Commission does comprise the whole of the statement with which Mr. Pickering undertook to furnish the Committee. Will you be good enough to explain it, if it is so. This is the return subsequently furnished to the Committee, in compliance with the promise made by Mr. Pickering, as I understand (*handing a paper to the Witness*)?—Yes; this has been put in by Mr. Pickering; I never saw it.

1811. Then if that is not complete and does not fully correspond with what Mr. Pickering said it would contain, you are not able to give any explanation of it?—I am not able to explain it, but perhaps I may be allowed to state that there is a paper in the Norwell correspondence which was prepared upon a requisition by Mr. Denison, which I think will be found to give all the expenses which, have been incurred in Norwell as to solicitors, surveyors, drainage, buildings, and everything.

1812. Is that before the Committee?—Yes. The aggregate amounts are given, but not the details; if the details of that expenditure are required they can be got out; it will be a matter of some detail.

1813. In the question which I put to Mr. Pickering I did not ask him whether he could give the minute details, but whether he could give the aggregate expense, distributing the expense under those different heads; I did not want to know the minute details?—The paper to which I just now alluded contains a concise statement of the expenses which have been incurred; it might perhaps be put a little closer, but I am not sure that it could.

1814. Mr. *Denison.*] I think you have not clearly understood the position of matters; when Mr. Pickering was under examination he said that the paper put in of the expenses was an incomplete paper?—Yes.

1815. He has put in a supplementary paper; that supplementary paper was to contain the expenses under the different heads up to the 1st of January, but the

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paper is nothing more than an account of drainage; there is not a word about building or any other expenses?—I am unable to give any explanation of it.

1816. Then as Mr. Pickering is not here, will you be good enough to inform him that the paper which he has put in is not in accordance with the requirement of the Committee?—I shall be very happy to comply with any request, when I understand what the request is.

1817. Sir *J. Graham.*] Have you the letter of the Bishop of Durham to which Mr. Mowbray referred; the Commissioners were to be consulted yesterday as to whether there was any objection to the production of that letter?—The opinion of the Commissioners is, that it is a letter which should not at present be made a public document; it relates to a matter still under discussion. Mr. Mowbray has, I believe, seen the letter, and there will be no objection to the Chairman of the Committee reading it, or any Member of the Committee reading it; but the Commissioners think that as it is a matter which is still under discussion by them, it ought not to be made a public document at present. The other part of the return which was asked for I have ready, namely, the memorials from the county of Durham, and from the county of Northumberland. (*The Witness delivered in the same.*)

Vide Appendix, page 260.

1818. Mr. *Mowbray.*] Is the letter which you have of the Bishop of Durham, a letter of the 14th of June 1851?—This is dated June 21st, 1851; from the Bishop of Durham to Mr. Lefevre.

1819. It is the same letter, but it is differently dated?—It is the same letter; it is a letter from the Bishop of Durham to one of the Commissioners upon a matter which is under discussion; that is the principle upon which the Commissioners think it not desirable to put it in.

John George Shaw Lefevre, Esq., C.B., called in; and Examined.

J. G. S. Lefevre, Esq., C. B.

1820. *Chairman.*] YOU have been for some time a member of the Ecclesiastical Commission?—Yes.

1821. For how many years?—I think since 1846 or 1847.

1822. Have you likewise been a member of the Church Estates Committee?—I am one of the Church Estates Commissioners.

1823. You are, then, a member of the Church Estates Committee?—Yes.

1824. Were not you likewise a member of the Commission, of which Lord Harrowby was the chief, on Episcopal and Capitular Estates management?—I was.

1825. You have, therefore, had a very considerable experience on the subject into which the Committee are inquiring?—I have had some experience, certainly.

1826. Will you state your opinion of the working of the Commission since the last Act was passed?—Upon the whole I have been very well satisfied with its working; and perhaps I am an unprejudiced judge, because the plan which the Legislature adopted was not that which Lord Harrowby's Commission, in which I took an active part, recommended, but a totally different plan. I think nevertheless that it has worked extremely well.

1827. Have you ever compared, as the business went on, the effect of the present plan with what would probably have been the effect of the plan recommended by the Commission?—The main difference between the two plans was not so much a difference in indulgence to the lessee as a total difference in principle. According to the plan recommended in Lord Harrowby's Report, and which formed the subject of a Bill founded on that Report, although the fee simple of the estate was to remain in the bishop or capitular body, enjoyment of the estate was vested in the lessee, and he had a right of perpetual renewal upon certain definite terms. That was objected to by the Committee of the Lords as being a great discouragement to improvement, and they then determined that the system now in force of sales and purchases should be adopted instead, and that all the property should gradually either be vested in the Church or vested in the lessee. The terms which the Lords' Committee proposed to give to the lessee were in money value less favourable, I think, than those proposed by Lord Harrowby's Commission.

1828. Therefore the Church, upon the whole, has received more than it would have received under the plan of the Commission?—Yes, I think so; but nevertheless it is difficult to be quite certain of this, because, of course, according to the present plan, the expense of managing the estates is thrown upon the Church; according

according to the plan of Lord Harrowby's Commission, the expense of managing the estates would practically have fallen on the lessees.

1829. By the plan of the Commission certain rentcharges were to be paid by the lessees?—Yes; annual rents equal to one-half or one-third of the value of the property, and periodical fines; and consequently, the main part of the expense falling upon the bishops and deans and chapters, would have been simply the expense of collecting them.

1830. Would that have been objectionable to the lessees on the ground of diminishing their income?—Yes; I think that the plan was not favourably received by the lessees; not so favourably as the present plan, notwithstanding that the pecuniary terms upon the whole were rather better for them. They did not like the necessity of perpetual renewal from time to time, and the result of that necessity, namely, that if they had made great improvements on their property, they would have had to pay for them over again in the increased fines and rents.

1831. Mr. *Ingham.*] Do not you mean re-valuation; you used the term perpetual renewal?—I include in that term the valuation consequent upon it; it was a perpetual renewal upon certain definite terms, but involving the payment of an increased fine and rent if the value of the property increased.

1832. *Chairman.*] How frequently was the property to be re-valued, according to that plan?—I am not quite certain; I think it was every 21 years; I do not at this moment recollect. The project having been abandoned, I have addressed myself latterly entirely to the present plan.

1833. Do you consider that the lessees on the one side and the bishops and holders of capitular property on the other, have been satisfied with the working of the present plan?—As far as I can judge, they have. I have heard very few complaints; I hardly know of any complaint which has reached me. Some parties who entertained strong opinions appear to have been satisfied with the arrangements that have been made; I allude particularly to a Member of the House who is now dead, Mr. Aglionby; he took a very strong interest in this subject, and maintained rather strong opinions in favour of the rights of the lessees. I have no reason to believe that he was dealt with in the least indulgently, but he enfranchised his leasehold, and he was satisfied.

1834. Will you state to the Committee your opinion, as an impartial observer concerned in these transactions, whether the interests of the Church and of the lessees, and of the public generally, have been well consulted in the present plan?—I hope and believe so. There is only one point on which I should like to suggest some additional indulgence to the lessees. Under the resolutions of the Lords' Committee, if the lessee's term was under 21 years, he was to have an additional seven years upon the same terms as before. This he has always had the benefit of, except in cases in which a renewal has taken place since those resolutions; in that case we have not thought ourselves justified in departing from those resolutions so far as to give him the benefit, as it were, of a second renewal or a second additional term; but, upon the whole, I think that notwithstanding he has renewed since that time, unless the delay in the enfranchisement has been owing in any degree to him, it is fair that he should be put on the same footing as the lessees were when those resolutions were passed; so that, notwithstanding he has continued upon the old terms of renewal, he should still, upon his enfranchising his property, have the benefit which was contemplated by the Lords' resolutions.

1835. Do you think that the refusal of that benefit has been an obstacle to enfranchisement?—I am not aware that it has; but I think that it would be more just upon the whole if the benefit were given.

1836. Looking to the future, do you contemplate any inconveniences as likely to arise from the management of so large a mass of property as will come into the hands of the Commissioners, or of the Church Estates Committee?—Of course I can imagine so large a mass of property at rack-rent coming at once into the hands of the Commissioners as would make it very difficult to manage it properly; but according to the existing arrangements there is not a very great deal of property at rack-rent in the hands of the Commissioners under their management, and I think it will increase very gradually. I believe the Committee have before them the actual quantity of property at rack-rent which we now have.

1837. I am speaking now as to the future. Supposing a bishop to have an estate in his diocese yielding 5,000*l.* a year, and that 5,000*l.* a year is the sum allotted to him by the existing Act of Parliament, do you think it would be convenient

J. G. S. Lefevre, Esq., C. B.

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venient that he should hold that 5,000*l.* a year during his occupancy of the see?—I have considered that subject a good deal, and I think it an exceedingly difficult subject to advise upon. My impression is, that you ought not to entrust to the bishop, who is not even tenant for life, but merely tenant during his incumbency, the sole management of a property at rack-rent. I do not see any sufficient security which there would be for his keeping up the property in a condition that would ensure the continuance of the income to his successors.

1838. Supposing that to be the case, the Commissioners would find it necessary to appoint some person to manage the estate while the bishop was the holder of the see?—The estate should either be managed by the Commissioners, or be subject in some manner to their control. Various modes have occurred to me for adjusting that matter. The main difficulty of course is that sufficient money should be laid out in repairs and improvements, so as not only to keep the property in its existing state, but to go along with the times and improve it as other properties are improved. I should be inclined to provide for that by adding to the estates allotted to the see sufficient to produce a net income beyond that which was the regulated income of the bishop; for example, 10 per cent. in addition, and let that 10 per cent. be applicable under the advice of the Commissioners, or under their direction, in repairs and improvements; and I would propose that such portion of it as was not wanted should be accumulated, so as to form a constant fund for those purposes. Unless something of that kind is secured I have very great difficulty in seeing how you would ensure the property being duly kept up and improved.

1839. Supposing a farm to be under lease, would you allow the farmer to renew the lease upon certain terms laid down, or would you give him no discretion in the matter?—The simplest plan would be to let the Commissioners be in fact acting trustees for the bishop, having the management of the estate, paying him a fixed sum, and laying out the annual residue for the repair and improvement of the estate, or accumulating it for that object up to a sufficient amount, beyond which the surplus might ultimately, if Parliament thought fit, be applied to the common fund.

1840. In that case would he not be merely a nominal holder of that estate?—He would be so no doubt.

1841. The fee-simple in that case would be in the Commissioners?—Yes, who would be trustees for the see; but still the property would be appropriated to the see, which I think is of some advantage, instead of there being a large undistinguishable mass appropriated to all the sees.

1842. Supposing that to be the case, would there be any advantage in the bishop receiving that sum from a particular estate, instead of having a given sum paid to him out of the mass of the whole estates?—In a pecuniary point of view of course he would be exactly in the same state, whether he received it from the particular estate or from the mass; but he would feel a greater sense of security, I think, by having the particular property ear-marked, as it were, and appropriated to the see, and I think the Church generally would feel more secure; this, however, is a matter of opinion.

1843. Supposing a period of great agricultural depression, and that it was common with the landowners to take off 10 or 15 per cent. from their rents in a particular year, would you have the bishop to suffer that loss?—No. If what I have just suggested were the plan adopted, I should propose that he should neither gain nor lose; I think the essence of the plan is that he should have a fixed income.

1844. Therefore, upon the advice of the agent of the estate you would make up that sum of 10 per cent., or whatever it might be?—Yes; I have already mentioned that I should propose, that to an estate calculated upon an average to produce the income regulated for the bishop, something should be added for the purpose of repairs and improvements; and I think that, with this addition, the estate so appropriated would be found sufficient to meet those occasional difficulties, and always to furnish, either out of the rents themselves, or out of this accumulating fund, enough to pay the bishop his regular stipend.

1845. Supposing, on the other hand, that the state of agricultural prosperity was very great, and that there was a general rise of rents, would you allow the bishop to raise his rents and to derive the benefit?—I should not allow the bishop to derive any benefit from it. All the advantage which I should propose to the bishop would be, that of having a fixed income secured out of definite property.

I should

I should not wish him to be subject to the fluctuations either of loss or of gain in respect of that property.

1846. Supposing the whole mass of property in the hands of the Commissioners to be such as to afford the sum that is allotted to each archbishop and bishop, what disadvantages do you see in that plan, or do you see any disadvantages, as compared with the one of which we have just spoken?—The disadvantage is merely the uneasiness which would be felt by the bishops and chapters at not having specific property appropriated to them individually. If they were to derive their incomes out of a general fund I think they would not have that sense of security which they would if they were derivable out of a particular fund. They might possibly be afraid of some kind of fusion taking place similar to that which has occurred before; a fusion with what is called the common fund, or with other estates applicable to the general purposes of the Church.

1847. Has not that been already effected?—Yes, so far as regards the estates now in the hands of the Ecclesiastical Commission.

1848. You would not advise that the bishop, on taking possession of his see, should be subject to all the difficulties and embarrassments to which he is not used, in the management of a landed estate?—I feel that most strongly. I think that this is a very great evil to an incoming bishop; even the valuations incidental to his taking possession of his palace are sometimes very onerous to a bishop first coming into possession.

1849. With regard to the chapters, would you propose a similar arrangement, or would you leave them more at liberty to manage their estates?—I have very great difficulty in drawing any distinction between the bishops and the chapters. I do not see that the members of the chapters have a sufficient interest, or, indeed, sufficient knowledge, to keep up the property in the state in which it ought to be. I have a good deal of doubt upon the subject; but upon the whole, I should prefer placing them upon the same footing as the bishops, allotting a particular property to them, paying them all out of it, and accumulating the surplus.

1850. Then, in point of fact, although the great mass of estates should be nominally divided, the actual management would devolve upon the Commissioners?—The actual management would be in the hands of the Commissioners.

1851. Do you conceive that there would be any difficulty in managing so large a property with discretion?—A great deal, of course, would depend upon the nature of the property that might be appropriated to these purposes. With regard to rentcharges, there is very little difficulty in the management of those; they have merely to be punctually collected. With regard to ground-rents also it is very simple indeed; the Board might very easily manage those; the only difficulty, I think, consists in the ordinary landed estates at rack-rent. If they are well selected, and are estates of good quality and large holdings, I do not apprehend that there will be much difficulty in managing them. After deducting what I have just adverted to, namely, the rentcharges and estates in towns consisting of ground-rents, the actual acreage and rental would not be very large; at a mere guess, I should not think it would exceed 300,000 *l.* a year.

See Question 2304–5.

1852. Have you any acquaintance with the management of the Land Revenues of the Crown?—None at all.

1853. You are not aware that a great part of those revenues is very easily collected and managed, consisting of ground-rents?—I should have no doubt that it could be very easily collected.

1854. I wish to ask you with regard to the constitution of the Commission. Supposing that they will have all this business to manage besides the other business which belongs to them, do you contemplate any increase of the number of the Estates Committee?—I confess that I am very favourable myself to the smallest possible number for any purposes of business. I think an increase of number greatly increases the trouble of each, instead of giving much assistance; and it is only for purposes of deliberation, and where matters of principle are required to be discussed, that I should like more than two; if there were more than two, I should be satisfied to limit the Estates Commissioners to three, as now.

1855. Do you consider that there ought to be another paid Commissioner on the part of the Crown?—I used to think that two was a very inconvenient number for the purposes of transacting business; that there might be frequently disagreements, which, of course, would make the business come to a stand still; but, if I may be allowed to advert to it, the experience which I have had during the last year in another Commission has been so extremely favourable to the

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transaction of business by two instead of three, that I have arrived at the conviction that a Commission of two persons is better than a Commission of three.

1856. Which Commission is that?—The Civil Service Commission. From my experience in that Commission I am satisfied that a great deal more business is done in the same time, and much more satisfactorily by two than by three.

1857. Suppose that some question of principle was to occur, and that there was a difference of opinion?—There would be remarkable facilities in the case of the Church Estates Commissioners, acting as the Estates Committee, for disposing of any difference of opinion, because they would have always the Board to resort to, or a Committee of the Board. There could always be furnished authority from the Board itself to determine any difference between the two Commissioners The disadvantage which I feel from there being more than two, and especially from there being added to two, whose main business the Commission is, one or two others (like, for instance, myself) who cannot constantly attend to the business, is this, that the two who are constantly employed necessarily know a great deal more than the third who occasionally comes there, and has a good deal of other business to attend to. In many cases he is an interruption instead of being an assistance.

1858. There being one Commissioner appointed by the Crown and another by the Archbishop of Canterbury, supposing there to be any difference between the two, a reference to the Commission would in all probability result in a decision in favour of the view of the Archbishop's Commissioner?—Considering the nature of the duties of the Estates Committee, there are very few subjects upon which any disagreement is likely to occur. During the time that I have acted on the Commission, I have never known a case of disagreement between Mr. Goulburn and Lord Chichester, or between either of us, and I am quite sure that I cannot contemplate the possibility of any disagreement between those two who are now there.

1859. Do you extend that opinion to the Church Estates Commission?—I do.

1860. Your statement that they could refer any difference of opinion would not apply to that Commission?—No.

1861. Except for advice?—Except for advice. Taking the present two Commissioners, or any two who are likely to be selected for such purposes, the probability of any serious disagreement is exceedingly remote.

1862. What you would recommend, then, supposing you were to retire from the Church Estates Committee, is, that there should be only two members of the Church Estates Committee?—I see no great advantage in a third.

1863. Sir *G. Grey.*] How would you provide for a case of difference arising on a point on which exclusive jurisdiction is given either to the Estates Committee or to the Estates Commissioners, and in which no member of the Commission, not upon either that Committee or Commission, would have power to act?—I admit that there is no certain way out of that which I can suggest if there were only two.

1864. Your objection to a third Commissioner seems rather to apply to the occasional attendance of that third Commissioner, supposing him to be (you instanced your own case) occupied necessarily in other duties, not being paid as an Ecclesiastical Commissioner, and taking the office on the understanding of giving only that occasional attendance which is consistent with other duties; would you think that the objection to a third Commissioner was equally strong if he was a paid Commissioner, and if his attendance was as regular as that of the other two?—It applies very much more strongly to the case of a Commissioner not constantly attending. Perhaps I cannot state my opinion more completely than by saying, that if there were two Commissioners, of whom I was one, devoting my whole time to it, I would a great deal sooner not have a third.

1865. Sir *J. Graham.*] The Act now provides only for the payment of two Commissioners?—That is so.

1866. One nominated by the Crown, the other by the Archbishop, and it is only the duty of those two constantly to attend?—It is the duty of those two regularly to attend, but I am bound to say that I also have always felt it a duty to attend. Perhaps I may be allowed, as you have mentioned that subject, to notice one point. A return has been furnished of the number of my attendances at the Estates Committee. I think that out of 206 they are 149. I have looked over those cases of non-attendance to see what was the reason of them, and I find out of the difference between the 149 and the 206, that all the cases of non-attendance except 17 were because I was engaged in the House of Lords. Of course I am bound

to

to attend to that duty first; but with that exception, and five cases in which I was ill, there are only 12 cases in which I have been absent from the Estates Committee; I mention this to show that I have always considered it as a duty incumbent upon me to go there when I could, and have always done so except in those accidental cases, where I dare say there was some other reason, unless I was actually prevented by being necessarily at the table of the House.

1867. In past time other avocations having a more immediate claim upon you have occasionally prevented your attendance, but, speaking prospectively, if you withdrew from the Estates Committee and a third Commissioner were appointed, paid by the Crown, it is to be presumed that there would be constant attendance on the part of the three paid Commissioners, and invariably the Commissioner nominated by the Archbishop would be in a minority?—That is true.

1868. Do you think that that would be equally satisfactory to the Ecclesiastical Commission with the present arrangement?—I should think the Ecclesiastical Commission would prefer there being only two.

1869. In which case there would be an equality; one being nominated by the Archbishop of Canterbury, the other by the Crown, and those two only being paid?—Yes.

1870. A third paid Commissioner nominated by the Crown would give a constant majority of two to one to the paid Commissioners of the Crown?—That would be the effect of it.

1871. Sir *G. Grey.*] Is it not the case that the salaries of the two paid Commissioners are both paid out of the funds of the Ecclesiastical Commission, but that the appointment of the one is in the Crown, and the appointment of the other in the Archbishop?—That is so.

1872. I believe two Commissioners are necessary to make a quorum?—Two Church Estates Commissioners are necessary to make a quorum at the meeting of the Ecclesiastical Commission.

1873. Do not you think that there would be a difficulty if there were only two Commissioners in always securing the attendance of two, and that a delay might occur in the transaction of business which would be avoided by there being a third?—There might be delay.

1874. Mr. *E. Denison.*] If you were to have very large estates, the rental of which might amount, as you have said, to about 300,000 *l.* a year, would not there be considerable new duties in addition to those which have occurred at present?—That is true, but on the other hand the duties regarding sales and purchases would gradually cease.

1875. Would not there be in your view a necessity for personally visiting these estates?—I think that it would be desirable for the Commissioners to have seen the estates, once at all events, and perhaps to see them from time to time occasionally, but I do not think it necessary that they should visit the estates frequently; their seeing the estates occasionally would enable them better to understand the reports of the agents, and to take that kind of interest in them without which it is perhaps rather difficult to give very effective attention.

1876. Do you think from your experience, that it is possible to manage a considerable landed estate satisfactorily without ever having seen it at all, without being conversant with the position of matters there, or having any personal acquaintance with the characters of the occupiers, and so on?—I think, as I said before, that the correspondence with the agents would be much better understood, and the decisions would be more easily arrived at by parties who had actually seen the property, but I do not regard it as possible for the Commissioners to visit the estates so frequently as to become acquainted with the tenants. I think they must rely upon their land agents for that purpose, who, generally speaking, perform the duties of detail a great deal better than themselves. It has been quite out of my power to go and see the estates, but on one or two occasions, when I have been in the country, I have visited places in respect of which there has been business before the Commissioners. I do not mean estates, but other places; and I have found the seeing the places of very considerable service to me afterwards.

1877. Lord *R. Cecil.*] You said that you were not inclined to draw any distinction between the capitular bodies and the bishops with respect to management; do you say that from a knowledge of the facts, or simply from a presumption, looking at the nature of the tenure?—It is an *à priori* presumption in

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the respect that hitherto those bodies have not had the management of estates at rack-rents, by far the greatest portion of the properties of the ecclesiastical corporations have been held on leases for lives or years, renewable on the payment of fines; so that the difficulties which arise in the management of estates at rack-rent have not occurred. I cannot therefore say by experience, that they are unable to manage them, but I see so very little motive of interest in their attending to the management, that I should not expect that they would do it.

1878. There are no cases, are there, in which estates at rack-rent have been in the hands of capitular bodies?—Not to any great extent, I think.

1879. But would not an estate of small extent show the action of those motives of which you speak, as thoroughly as an estate of large extent?—Of course there would be much less experience upon an estate of small extent.

1880. But you have no knowledge of any experience derived from such a small extent as that?—No.

1881. Are you at all acquainted with college property?—A little.

1882. You are aware that several colleges have their estates at rack-rent; have you heard that they have mismanaged them?—I have not.

1883. Mr. *Walpole.*] Is there not a distinction between the bishops and the capitular bodies with reference to the management of estates in this respect, that the bishop, when he succeeds to his property, succeeds very often with large demands made against him personally, and which you have referred to in your evidence; and it is an entirely new person who succeeds to that property upon whom the management of that property would devolve; whereas, in the case of a capitular body, there are always some of the members of the capitular body still remaining who would continue the management of the estate as it existed before?—I quite admit the distinction; the capitular bodies are likely to manage their properties at rack-rent better than the bishops would.

1884. Would not the effect of having the management in the hands of the capitular bodies be that they would have to appoint their own agent, or bailiff, or steward, to manage those estates, whereas if you transferred them to the Commissioners they would have to appoint a bailiff, or agent, or steward on their behalf?—That is not all the difference, because the capitular bodies if they laid out money upon their estates would be lessening their own dividends, whereas the Ecclesiastical Commissioners of course would only look to the benefit of the estate, and would lay out neither more nor less than was desirable.

1885. Still, as regards management it would be simply that either the one or the other would be appointing an agent to attend to that management?—Yes, as regards that which the agent does, no doubt.

1886. Then what you would wish would be to keep a control in the hands of the Commissioners or in the hands of some authority, either conjointly with or superior to that of the capitular bodies, in order that you might ensure the good management of the property with reference to the leases and the other things to be done with it?—That is what I should wish to do.

1887. You alluded, I think, just now to a feeling of security which the bishops would have in the event of their property being allocated, as it were, to particular sees, instead of being fused in the common property belonging to the Church. Do not you think that that feeling of security would be still better preserved by leaving the fee of the property in the capitular bodies when the estates are transferred to them, and in the bishops, and giving a control as to the management to the Ecclesiastical Commissioners with reference to the leases, and other transactions relating to the property?—I think it would.

1888. The only difference, I think, between those two schemes, supposing the latter to be a scheme, would be this, that in the one case the bishops would be like the *cestuique* trusts under a settlement, the trustees being the Ecclesiastical Commissioners, and in the other case the legal estate would remain in the bishops and the capitular bodies, and the trusteeship, for the purpose of controlling the management, would be in the Ecclesiastical Commissioners?—That would be the principal difference.

1889. There would not be any material difference between those two arrangements with respect to the working of the property?—Any arrangement which would give the Ecclesiastical Commissioners the same control which they would have in the way that I first described, if they were trustees for the estate, would, in my opinion, be equally satisfactory.

1890. Mr. *E. Denison.*] But would there not practically in that case be two managements;

managements; the bishop would have to manage his estate, but that management would be subject to the revision and control of the Ecclesiastical Commissioners? Then there must be two staffs?—That might be matter of arrangement, of course, between the bishop and the Commissioners. Anything that would produce two sets of agents I should most decidedly object to.

1891. If you give a bishop an estate worth 5,000*l.* a year, and tell him that he is to manage it, must not he have an agent to manage it?—Of course he must.

1892. But if his management is liable to the control of the Ecclesiastical Commission in regard to leases, repairs, or other matters, in order to give a correct opinion upon such points, must not the agents of the Ecclesiastical Commission be equally conversant with the estate?—If the ideas sketched out by Mr. Walpole were adopted, I should suppose that the arrangement would be this, that the bishop would, in fact, employ the agent of the Ecclesiastical Commissioners to act for him; if he does not do that, I entirely admit the difficulty which you are adverting to.

1893. Then the bishop would have no advantage of any local acquaintance; the Bishop of Durham would have his agent living in London?—Unless the Ecclesiastical Commissioners had property enough in that direction to have a local agent, which they possibly might, and probably would.

1894. Then the Ecclesiastical Commissioners being responsible for the management, and being in London, would have their agent resident in Durham?—Of course; you have supposed that case.

1895. Sir *J. Pakington.*] You stated that hitherto no episcopal or capitular property had been held at rack-rent?—There is some, no doubt; but by far the greatest portion has not been so.

1896. Hereafter, under the new arrangements, all such property will be so held, will it not?—Yes.

1897. Under the arrangement which you have to-day suggested of in fact making the bishops and the chapters the holders of rentcharges upon certain estates, are you apprehensive of difficulty or loss in consequence of the central management which would, I presume, devolve under your arrangement upon the Commission?—Not at all.

1898. You are of opinion that the Commissioners in London would be able to manage to advantage these numerous and distant estates?—I think they would manage the estates better than the bishops or the deans and chapters would, acting separately.

1899. Is it a part of your proposal that the estates allotted to each particular see or chapter should be situate within the diocese of the bishop or chapter?—I think that desirable.

1900. That you should in fact allot to them part of the estates which were previously belonging to them?—That you should allot to them the best portion of the estates previously belonging to them.

1901. I understood you to say, that with a view to ensure under all circumstances a proper income to the bishop or chapter, you would appropriate to each an estate which would be sure to produce a larger revenue than that to be enjoyed?—Somewhat larger.

1902. To what extent would you propose to have that excess?—I think it probable that 10 per cent. would be enough.

1903. Do you think that a rentroll of 10 per cent. more than the specified income would cover all declensions?—No, I do not mean that; you must first estimate what rental would produce the fixed income which you desire; it would be more than 10 per cent. upon the fixed income. Then after that I should allot 10 per cent. more for the purpose of meeting all contingencies and keeping up the estate and providing for necessary improvements, and what surplus there might be I should accumulate.

1904. Take the case which has just arisen of a vacancy in the see of Carlisle, where the intended income of the bishop of that see hereafter is 4,500 *l.* a year. What annual amount of property would you appropriate to that see in order to ensure to the bishop the enjoyment of that income?—To ensure the bishop the enjoyment of 4,500 *l.* a year I think it would be necessary to give him estates worth nearly 6,000 *l.*

1905. You mean with a nominal rentroll of 6,000 *l.*?—Yes.

1906. I understand you to state that to ensure that income of 4,500 *l.* a year, in allotting

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allotting a nominal income of 6,000 *l.* it would be intended by you to embrace the 10 per cent. surplus which you contemplate?—Yes, I think that would be enough.

1907. Then the obvious result of your arrangement would be a constantly accruing surplus?—Yes.

1908. That would be the ordinary state of things?—Yes.

1909. How would you propose to appropriate that constantly accruing surplus of episcopal and capitular estates?—Subject to the purpose for which I contemplate that surplus, namely, the keeping up and providing improvements on the estates allotted to the see, I should appropriate it to other purposes for the benefit of the Church, either episcopal purposes or general purposes.

1910. Then, assuming (which would probably be the case, looking to the whole episcopal property of England) that the accruing surplus would be a large one, that large surplus would be diverted from episcopal purposes, and applied to the general interest of the Church?—Yes.

1911. Mr. *Walpole.*] It would go into the common fund as it does now?—It would.

1912. Marquis of *Blandford.*] You stated, in answer to a recent question, that in order to yield a rental of 4,500 *l.* a year, you would assign estates of an annual value of 6,000 *l.*; would not such an arrangement as that, if the bishop's income is to be limited to 4,500 *l.* a year, necessarily involve the management of that property being vested in the Commissioners; for this reason, if it were not so, would it not be a recurrence to the existing system, by which a bishop is limited to a certain amount of income, so that he can derive no more than a certain amount of benefit from an estate, and that the surplus must always be handed over to the Commissioners?—At all events, I contemplate that the supposed bishop should have only his 4,500 *l.* a year.

1913. So that in this case a surplus of 1,500 *l.* a year would have to be handed over to the Commissioners, supposing that the estate produced the 6,000 *l.* a year?—It will be convenient that I should assume what I originally proposed, namely, that the Commissioners should be trustees for the bishop of the property belonging to the see. According to that notion they would receive the rents, they would pay the bishop what he ought to receive, and they would lay out such net portion of the difference as might exist beyond the 4,500 *l.* a year in repairs and other things which were necessary for the benefit and improvement of the estate, and the final surplus would be accumulated. I cannot specify the exact term or amount of this accumulation; that must depend upon circumstances; but when it was quite clear that there had been enough accumulated to meet any contingencies or any wants of the estate, all beyond that might be handed over to the common fund.

1914. So that, in fact, that system of management would be that which you would consider most appropriate for bishops' property handed over under the conditions which you have described?—I think so. Although I admit much that Mr. Walpole has said upon that subject, I see the very greatest difficulty in having two managements; it would lead, I think, to a good deal of expense, and there would be difficulties encountered, from which I wish very much to relieve the bishops.

1915. Then there would be no objection, under such a system as you propose, to having the fee of the property vested in the bishop, although the management of the property might remain in the hands of the Commissioners?—That might be done. Perhaps I should say that it is rather with a view of defining the kind of control which the Commissioners should have of the property of the see that I imagine them as trustees for the benefit of the see. It is a question which is very immaterial, with whom the fee rests, except as regards the idea of security; there it is important.

1916. Then the point to which we arrive is this, that, in your opinion, with regard to the due management of the property, and with regard to its interests, the Commissioners should be the receivers of the rents of the property?—I think so.

1917. And that they should pay over a fixed sum to the bishop?—Yes.

1918. With regard to the position of chapters, and the light in which they stand to the Commissioners, the Commissioners have at present a considerable interest in capitular property in the shape of suspended canonries and charged deaneries and canonries?—Yes.

1919. Do you not think that your mode of obtaining the revenues which are to belong

belong to the common fund from those portions of property, as they do at present, is open to some inconveniences?—Yes, I think it is.

1920. Difficulties arise with regard to the accounts of chapters and the proportion of money which may be spent on various objects before the dividend takes place?—Very serious difficulties have arisen on those points.

1921. Do you not think that it would be an advantage if a division of property were to take place between the Commissioners and the chapters, so that whatever was to be definitely belonging to the chapters, in order to secure their income, should be absolutely put apart for them, and the remainder vested in the common fund of the Commissioners?—I think it would be most desirable that sufficient estates should be provided to furnish the annual fixed emoluments which Parliament has intended for the different members of the chapter, and what is necessary for the cathedral fabric and service, and to provide for the due repair and improvement of the estates, and that all the rest should be applied to the common fund.

1922. A voluntary arrangement has taken place with the chapters of York and Carlisle, and I believe Chester and Peterborough, by which they have transferred their estates to the Commissioners in order that in process of time they may receive back an estate in fee which shall yield them the annual income which has been fixed for the chapter?—Yes.

1923. Under such an arrangement as that, that division of property which you consider so desirable, does virtually and actually take place?—It will take place precisely as you have indicated. The property which we shall hand back will be only such a property as is necessary to provide for the cathedral wants, and for the existing deans and canons; we shall not have, in future, the embarrassment which you have described of deducting our shares, or of accounting with them.

1924. There are other cases of chapters in which the Commissioners have a still larger interest in the property of the chapters than they have in those cases of York, Carlisle, Chester, and Peterborough, such as Westminster, Durham, and other large chapters?—Certainly.

1925. Therefore, in order to secure the arrangement which is considered to be desirable, would it not be an advantage that those properties should in process of time be transferred to the Commissioners, in order that a similar arrangement may take place with regard to them?—I have always contemplated that as most desirable and probable.

1926. As the law now stands, do sufficient powers exist for the transfer of those estates?—We believed that sufficient powers existed for doing what we have done with regard to York and Chester and Peterborough; I am not aware that there is any deficiency of power in that respect.

1927. Still it must be a voluntary arrangement between the chapters and the Ecclesiastical Commissioners?—At present.

1928. So that if the chapter of Durham or Westminster were to prefer the existing system to that which you have described, there would be no power to bring about such an arrangement?—No.

1929. Then, looking to the general interests of the Church and the interests of the property, so as to bring about a settlement which would be most beneficial to both, do you consider that any compulsory power given to the Commissioners to require such an arrangement to take place when they thought it most advisable, would be an advantage?—I should very much prefer its being done voluntarily; I think that any sudden arrangement of that kind would lead to a good deal of inconvenience; it would throw too much business at the moment upon the Commission, and I do not anticipate any ultimate objections to giving up the property by the chapters.

1930. You have spoken of a sudden arrangement. May I modify the case. Supposing that a power were simply granted to the Commissioners to call for such an arrangement when they considered it most advisable and consistent with their own convenience, do you conceive there would be any objection to giving them that power?—I very much prefer the voluntary system, and I should be unwilling to give up the chance of it yet. I believe the chapters would be very much better satisfied with any voluntary arrangement than with an arrangement which was compulsory. They would be better satisfied with the terms of the arrangement in the first place.

1931. Those terms might always be open to arbitration, might they not?—Yes; but even that is not, I think, so good as the plan which has been adopted with

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regard to Carlisle, and Chester, and York. If, after a few more years' experience, it was found that it was impossible to come to arrangements of that kind, it would then be time to see whether you might call upon Parliament to give additional compulsory powers, but I would rather not do so yet.

1932. Lord *R. Grosvenor.*] I think you stated that in allotting an estate to a bishop, in order to insure him the required income, it would be necessary that the estate should be of the value of 10 per cent. above the legal income?—What I meant to say was this. In order to secure the bishop his legal income, you should, in the first place, allot such a rentroll as would be sufficient to give that income net. I do not think that an allowance of 10 per cent. for that purpose is enough. I do not think you would find (at least I have not found, as far as my own experience has gone: there are others here who have had a much larger experience) that any rentroll would produce into your banker's hands 90 per cent. of the rentroll.

1933. I understood you to say that?—No; what I wish is, that in addition to the ordinary allowance between the gross and net, a further amount of property, which I stated roughly at 10 per cent., should be allotted for the purpose of insuring the necessary repairs and improvements.

1934. Sir *J. Pakington.*] If I understand you, you would always propose to allot an estate nominally producing 25 per cent. more than the required income?—I said that for 4,500 *l.* I thought 6,000 *l.* would be enough. I think that 25 per cent. would produce pretty nearly the exact income; but I wish for a margin for the purpose which I have endeavoured to describe, namely, being quite certain that the estate should be kept up as it ought to be, and improved as it ought to be.

1935. Sir *J. Graham.*] If that margin were not consumed in outlay, the surplus of that annual income would be available for the common fund?—Yes, sooner or later.

1936. Sir *J. Pakington.*] With reference to the arrangement which has been made with the chapter of York, in that case I believe I rightly understand that the estates so allotted to the chapter of York are to be managed by them at rack-rent?—It was so contemplated.

1937. Is not that still the arrangement?—They have not been allotted.

1938. But it is so contemplated?—It was contemplated some time ago, but they objected on this ground, that if it should so happen that the income should turn out deficient, they wished the difference to be made up, which of course the Commissioners declined.

1939. The Commissioners proposed that the estate should be managed at rack-rent, the chapter taking the chance of profit or loss?—Yes; they were quite ready, I believe, to take the chance of the profit, but they did not like taking the loss.

1940. *Chairman.*] With regard to the estates generally, do you propose that they should be managed at rack-rent, upon leases for a certain number of years?—I believe there is a very great difference of opinion upon that question, whether it is better to have leases or tenancies at will. I should be almost afraid of giving an opinion upon that point. Practically, there are not many leases on the Ecclesiastical Commissioners' estates, and, as I understand, the tenants do not wish for them.

1941. Would not it depend, to a certain degree, on the custom of the estate which was purchased?—It would so, of course. I prefer, myself, leases; but I believe that the farmers in general do not seem to wish for them.

1942. Supposing that to be the case, would not the management require very great care and constant supervision on the part of the Ecclesiastical Commissioners if there are no leases?—Yes; it requires more care, no doubt, and more inspection.

1943. With regard to the ultimate arrangement of the chapters, you are aware that at present the chapters are renewing leases on fines for lives in certain cases?—They are so.

1944. Do you think it desirable to allow that to go on, or to come to a speedy arrangement with respect to those chapters?—It certainly would be very desirable to put an end to that.

1945. Have the Commissioners the means of securing to the members of the chapter the incomes which they would have, supposing the leases to be renewed

renewed upon lives?—They can enter into voluntary arrangements, either with the chapters themselves, or in certain cases, with the individual members of them, so as to secure them a fixed income.

1946. Have the Commissioners themselves sufficient funds to enable them to secure to the members of the chapter that income until the lives have expired?—I think that by means of enfranchisements and purchases they would have sufficient funds.

1947. Mr. *Mowbray.*] With reference to the suggestion of the Marquis of Blandford, that the Legislature should give power to the Commissioners to compel the division of the estates between them and the chapters, do you know any precedent for such legislation?—I cannot call to mind any at the moment.

1948. You are aware, of course, that the Act of 1840, the 3d & 4th Vict., c. 113, merely suspended the canonries, at the same time that it suppressed certain non-residentiary deaneries?—Yes.

1949. By the 20th section of that Act, power was given to remove the suspension from the canonries under special circumstances?—That is true.

1950. Do you think then that it would be consistent with the spirit of this Act, which is the foundation of all legislation upon the subject, that the Legislature having merely intended that these canonries should be suspended, and having contemplated the possibility of their revival if circumstances rendered it desirable at some future time, power should now be given to the Ecclesiastical Commissioners to compel the chapters to give up all their property, except so much of it as might provide for the canonries now existing and not suspended?—Now that you have called my attention to that point, I cannot help saying that the arrrangements with regard to Chester, and York, and Peterborough have been proceeded with as if there was no chance of a revival of those canonries; I think that is the case; I can hardly say what would be done if it was found necessary to revive the canonries.

Vide Question 2304.

1951. They have been proceeded with then without reference to the possibility of section 20 being brought into operation?—It is a new question; at least it strikes me at the moment as new; I have not recently thought of it, certainly; I do not think that any provision has been made for the revival of the canonries.

1952. With respect to what you said just now, as to the power of the Commissioners to visit the estates frequently, do you not think that the members of the chapter, living for the most part within easy reach of these estates, having leisure to visit them from time to time, and being intimately acquainted with the details of those estates, would be likely to superintend the management of them better than the Commissioners resident in London?—I have no faith whatever in the knowledge or experience that the members of chapters would have in the management of property; I cannot imagine that if they had the power of visiting the estates it would be of any good.

1953. Do you found that opinion upon the experience which you have derived in the Ecclesiastical Commission?—No; certainly not from experience derived in the Ecclesiastical Commission; the members of chapters are persons otherwise engaged; of a much higher calling; and they are not, generally speaking, persons who would have a knowledge, certainly not a sufficient knowledge, of agriculture.

1954. Have you read the evidence given before the Lords' Committee in 1851, upon the Episcopal and Capitular Estates Management Bill?—I have no doubt that I heard it; I do not think I have seen it.

1955. Are you aware that the Dean of Carlisle spoke there of his own experience as the Bursar of Baliol College, and stated that the fellows of the college looked carefully and in detail into the management of their landed property?—There may be individual cases of that kind; there is one present to my mind at this moment, namely, that of a very competent person, who is the Bursar of Trinity College, with a good deal of knowledge of land; such a man as that, if he became a prebendary, might be very useful in the management of property; but speaking generally, and looking at the reasons for which persons are appointed to those dignities, I cannot imagine that they could be persons to whom the management of property ought to be entrusted.

1956. Do you not think that the members of a chapter, being for the most part men of greater experience in the world than the fellows of college, who are for the most part young men, would be likely to manage their landed estates better; and, consequently, that if the evidence shows that the management of landed pro-

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perty by the fellows of colleges has been so far satisfactory, the management of landed property by deans and chapters is likely to be so in a greater degree?—The management of landed property by a college cannot be said to be in the hands of the fellows of the college, it is in the hands of an officer whom they appoint, who is a paid officer; certainly, generally one of themselves, but not a young man, and generally a man of some experience; they interfere very little in it.

1957. I believe in many colleges the bursar varies from year to year, and the estates are generally managed by the bursar; he may be a young fellow or an old man?—In the cases which have fallen within our consideration, the bursar has generally been a fixed officer. I speak of Cambridge principally.

1958. Might not one of the canons take the same part in the deans and chapters as the bursar does in a college?—In future there will be only four canons and one dean. The choice would be limited. They have other duties to perform, which I should think would be more incumbent upon them, and which they could perform better than the management of property.

1959. Are you aware that in the chapter of Christchurch, Oxford, one of the canons fills the office of treasurer, and actually manages the property and the financial details of the affairs of that chapter?—I am not aware of that.

1960. Mr. *Ingham.*] Is it not the case that at colleges the duties of the fellows only last for one-half of the year, and that the other half is vacation?—Decidedly; and speaking particularly of Trinity College, which has a very large property, which has been very well managed, that is entirely in the hands of the bursar, who receives a salary for doing so, and devotes his time to it, very much like ourselves.

1961. You said that when the whole operation was completed of providing incomes for the Church out of landed property not subject to beneficial leases, you did not contemplate more than 300,000 *l.* a year arising from the rent of land?—Perhaps I may be allowed at the proper time to correct that if I am wrong, because it is a mere conjecture. I suppose a certain amount of rentcharge, and a certain amount of ground-rent, and roughly speaking, I should not think the remainder would exceed that; but I would not bind myself to that without looking into it.

1962. Then the residue of the incomes would come, according to that view, from rentcharge or ground-rent?—It would.

1963. I believe the result of the recommendations of what we call Lord Harrowby's Commission, would be to derive the income of the Church almost entirely from what may be called rentcharges?—Yes, rents and fines; there were two reasons which induced me to assist in recommending the course there pointed out. I felt the very great difficulty of placing the management of the estates in the hands of the bishops and the capitular bodies. I felt then just as I feel now about it. I thought then that the better plan was to transfer the management to the lessees practically, and to leave to the Church merely rents and fines, so as to relieve them altogether from the management.

1964. It would not only have had that beneficial effect, but it would have made more immediately available the extra funds which you expected to be derived?—I am not certain of that.

1965. I thought the project was to commute the existing leases into leases bearing a reserved rentcharge, which were always to be computed at a certain advance beyond what was equivalent to the present fines?—Yes, you would have got a larger income more immediately, perhaps.

1966. Do you not think then it might be advisable to combine that with the present system of enfranchisement, so as to make part of the consideration of enfranchisement the reservation of a small rentcharge, which would diminish the necessity of appropriating large estates to the Church, in order to give them the land as a security for their income?—After a great deal of consideration by the Lords' Committee, it was their decided and unanimous opinion that the property ought to be all in either one or the other, the lessees or the Church; and they had a very great objection to rentcharges and fines having any relation to the increased value of the property. I have lost all expectation of anything being done in that way.

1967. The rentcharges which you spoke of were only tithe rentcharges, were they?—Yes; of course fixed rentcharges would not be liable to the objection to which

which I have just been alluding; but, then, fixed rentcharges are liable to another objection; they do not vary with any alteration in the value of money, and they do not advance with the general improvement of landed property.

1968. I was only supposing that it might be made a part of the consideration of enfranchisement. Of course when the purchase-money is paid for enfranchisement, the party who does enfranchise loses all chance of the further value of the property; that is part of the consideration which he is paid for?—Yes; but it is contemplated to be re-invested in land.

1969. You are of opinion that it would be better to leave the bishops and the chapters to settle voluntarily with the Commissioners the period at which the bishops or the chapters may transfer the management to the Commissioners, and that, in the interim, to proceed with the management of the property as they have hitherto done?—The arrangement seems to have gone on so very satisfactorily with these chapters, that I feel the greatest hope that it will be gradually adopted by other chapters.

1970. And if, when they came to the arrangement of any transfer, a question arose as to enfranchisement by the tenants, you think that if they themselves had not been the cause of the delay, they ought to be treated with the same consideration as is provided in the Lords' Report?—I think so.

1971. Lord *R. Cecil.*] Upon the question of the competency of chapters to manage their property, I think you said that the bursar of Trinity was a person of very great experience?—Yes.

1972. And that, therefore, you thought he would be better fitted to manage the property than any of those who are ordinarily appointed as canons; but is it not the case that the bursar of Trinity gained the whole of his experience in managing the property of Trinity College?—No doubt he did, but the property is very large, and his time has been exclusively devoted to it; it is his sole business.

1973. Would not any canon, to whom the office of bursar or treasurer was committed, in like manner gain his experience in managing the property of the chapter?—He would not have so large a field on which to gain it, and he has other duties of a very different kind which would interfere with his devoting himself much to that subject.

1974. Are not bursars often tutors?—I have known a bursar a master of a college, but in the case of the bursar of Trinity College, Cambridge, it is his main employment; he does not interfere with the ordinary tuition of the college.

1975. The duties of canons are not very onerous, are they?—No.

1976. Might not all the duties now performed by canons be performed by three of them, and might not the fourth take the office of treasurer?—If you could do with three I would rather apply the canonry to some other purpose. If three canons were enough it would seem more advisable to apply the surplus canonry to some purpose for the benefit of the Church. The services as a bursar which you would get out of the canon would not be worth the stipend which he would receive as a canon.

1977. Another of your objections to the competency of the dean and chapter to manage the property I understand to be, that they have only a life interest in the estate, and therefore would not devote any portion of the revenue to improvement?—Each has only a life interest.

1978. Would not that be very much obviated by the granting of long leases, and in conjunction with that by the employment of the assistance of the Loan Companies for improvements, by which means almost all the expense falls upon the company and the tenant, and scarcely any upon the landlord?—No doubt the objection would be diminished in that way.

1979. Are not landlords able to exonerate themselves almost entirely from expense in that way?—I am not aware that they are.

1980. Marquis of *Blandford.*] Referring once more to the point with regard to the inducement of ecclesiastical corporations to transfer their estates, I should like to know what you consider would be the inducement of ecclesiastical corporations, bishops, and chapters, to effect the voluntary arrangement which you speak of in transferring their estates to the Commissioners?—I think the prospect of a fixed income is a very great inducement.

1981. Where that fixed income already existed, do you think that there would be an equal inducement to transfer their estates?—If a fixed income already existed, that inducement would of course not operate.

1982. I find there are cases where it exists, namely, Canterbury, Carlisle, Chester, Bangor, Llandaff, Manchester, Norwich, and Salisbury; in those cases the bishops already receive a fixed income from the Commissioners; and there are cases, I think, of eight or nine other chapters who also receive a fixed income from the Commissioners, none of those corporations having transferred their estates to the Commissioners. In those cases clearly the inducement would not exist?—In those cases they have to account; they have a certain amount of trouble and no resulting profit at all; and I should think that as far as the dignitaries themselves were concerned, it would often occur that they would be very glad to be relieved of the trouble and responsibility of it.

1983. There are certain cases where chapters are in the receipt of sums from the Commissioners to make up the payment which Parliament has fixed for them, but there are other cases in which the chapters have to make payments to the Commissioners?—Yes.

1984. Do you think that in those cases where the chapters have to make payments to the Commissioners there would be an equal inducement to them to resign their property into the hands of the Commissioners?—I state, as I have stated before, that I think that the inducement of having a fixed income without trouble or responsibility would be a very great temptation for them to get quit of their property.

1985. Have you any applications now from chapters or bishops?—At this moment I am not aware of any application as regards a bishop. An arrangement is on the eve of completion (I believe) with the Bishop of Durham, and I think that an arrangement with the Bishop of Carlisle is also in contemplation. There have been two applications from chapters which have not come to any conclusion, or, at least, they have not been acceded to. Llandaff, I think, is one; I forget the other.

1986. With regard to the enfranchisement, the enfranchisement at present of property belonging to chapters takes place only upon the application of the chapter for the consent of the Commissioners to ratify the agreement?—The power of the Church Estates Commissioners only arises after the agreement between the chapter and the lessee; we have the power then of approving or disapproving of it.

1987. Has it at all come within your knowledge that lessees would be anxious to enfranchise if the chapters were willing to enfranchise; but because the chapters have not been willing to complete the arrangement, therefore the case of the lessees and their desire to enfranchise has never come before the Commissioners?—I believe that to be the case; but those cases do not necessarily reach us.

1988. Mr. *J. A. Smith.*] Have you ever interfered in cases of refusal?—The cases in which the chapters have refused do not necessarily reach us, because we only take up the question after they have agreed.

1989. Do you ever interfere in cases of refusal by the chapters?—I am not aware whether we have interfered directly in cases of refusal; I believe, indirectly, we have promoted arrangements of that kind.

1990. Marquis of *Blandford.*] Of course, where a transfer of the property took place to the Commissioners, all those difficulties as regards the interests of the lessees, and their desire to enfranchise, would be obviated?—They would.

1991. So that, in fact, as regards expediting the process of enfranchising, and having regard to the desires of the lessees, if those transfers could be effected by means and at the will of the Commissioners, that process, with its advantages, would be carried on and expedited?—No doubt it would; in fact, that has been one of the motives which have induced us to be favourable to these transfers; it has very much facilitated the dealings of the lessees, which thus only have to pass through one channel instead of two.

1992. Mr. *Walpole.*] With reference to the point which the Marquis of Blandford adverted to just now, namely, the transfer of estates back either to the bishops or to the chapters in lieu of the income which they are to receive, that is under the 68th section of the 3d and 4th Victoria, chapter 113?—I think so.

1993. It says, that "by the like authority any arrangement may from time to time be made with the consent in writing, under the corporate seal, of any bishop or chapter for the sale, transfer, or exchange of any lands, tithes, or other hereditaments belonging to the see of such bishop, or to such chapter, or for the purchase

purchase of other lands, tithes, or other hereditaments in lieu thereof, or for substituting in any case any lands, tithes, or other hereditaments for any money payment." That is the authority under which the Commissioners act?—No doubt; I do not know that I can extemporise the exact law upon the subject, but there is another clause which bears upon it.

1994. That is one of the clauses under which the Commissioners act?—Yes.

1995. The object of that clause appears to be, that ultimately, by an arrangement to be made with bishops or chapters, estates of an equal value to the incomes which are to be given to the bishops, or to the chapters, shall be transferred to them?—Yes.

1996. And I understand you to say, that you think that that will, at any rate for the present, be better effected by voluntary arrangement than by giving any compulsory powers against the bishops or the chapters?—I have a very strong opinion upon that.

1997. With reference to the accounts which must be rendered by the chapters to the Ecclesiastical Commissioners, are not such accounts rendered, in point of fact, and ought they not to be rendered, from year to year?—Yes.

1998. In some of those cases, out of the common fund money payments are made to the chapters, in other cases money payments are made by the chapters to the Ecclesiastical Commissioners?—Yes.

1999. Supposing upon an inspection of any of the accounts there appear to be sums paid or deducted from the amount transferred to the Commissioners by the chapters, have the Commissioners any and what powers of auditing and checking those accounts, so as not to allow the particular sums to which I have adverted? Supposing a payment has been made by a chapter, which does not appear to be a sum which ought to be deducted by the chapter before the fund is transferred, have the Commissioners any power of disallowing such an item in the accounts?—I do not conceive that we have any direct power of disallowing the item; we might proceed by an application to the Court of Chancery about it. We have not the power which is technically described as auditing the account.

2000. No application has ever been made to the Court of Chancery upon the subject?—No.

2001. But the foundation for such a proceeding, supposing it to be instituted, I conclude would be this, namely, that as the Commissioners are bound to see that the common fund gets all it is entitled to receive, a trust would fasten upon the fund in the hands of the capitular bodies, for which they would have to account?—Yes, that has been my impression of it.

2002. Do you think that the law is in a satisfactory state upon that point, or might there be some means of auditing the accounts and suggesting the disallowance of improper sums, supposing any such to arise, without the necessity of a Chancery suit?—I believe that would be a very desirable thing if it could be brought about.

2003. I believe that the accounts rendered by some chapters are in a much better form than the accounts rendered by others?—Decidedly.

2004. The accounts rendered by the Chapter of Westminster, for instance, are in a particularly good form?—They are.

2005. And I believe they are in so good a form that suggestions have been made to different chapters to follow that form?—They have.

2006. Then if any legislation is to take place upon this subject, can you suggest any mode by which we could improve the law in that particular so as to ensure the accounts being properly made out, and properly audited, and properly allowed, without the risk of having to go to Chancery for redress in the case of items being improperly disbursed?—I think the Legislature might give authority to us to define the form in which the accounts should be rendered, and to lay down rules as to the objects to which sums might be appropriated. The Legislature could not conveniently define the detail.

2007. The Legislature, I imagine, might define the general objects to which those sums were to be applied?—Yes, and might give, not to the Estates Commissioners, but the Ecclesiastical Commissioners at large, the power of laying down the forms of account, and of making rules as to certain particular kinds of expenditure on which there now is considerable doubt.

2008. Marquis of *Blandford.*] With reference to that answer, do you think that there would be a less ill feeling generated in the chapters by such an interference

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with their expenditure on the part of the Commissioners than by a power given to the Commissioners to require the transfer of their property?—As I said originally, I believe that the best plan is, that the Commissioners should ultimately have the property as trustees, and should give definite sums to the chapters; all questions would be avoided.

2009. That was not quite the point: the point of my question was this, whether this interference on the part of the Commissioners with the expenditure of the chapters which you consider might be required, would be likely to create a less feeling of irritation than the requiring the transfer of their estates?—I think it would be less obnoxious to the chapters than to require the compulsory transfer of their estates. They would object to both, but they would object more to the compulsory transfer of the estates than to this partial interference.

2010. Your opinion would be, then, that probably the irksomeness of this interference might lead to the transfer of the estates?—It might be an additional reason.

2011. Mr. *Mowbray.*] With respect to the differences which have arisen about the accounts; I believe they have arisen upon the concluding words of the 49th section of the 3d & 4th Victoria, chapter 113, which reserve the right of the chapter, "according to the statutes or customs of such chapter in force at the passing of this Act, to make due provision out of the divisible corporate revenues for the maintenance of the fabric, the support of the grammar school, if any, and all other necessary and proper expenditure"?—They have partly arisen upon that.

2012. Has the course of the Commissioners always been consistent in the interpretation which they have put upon those words in dealing with different chapters?—I am unable to tell you. We have, doubtless, intended to be consistent.

2013. In the accounts for the year 1853 a difference appears to have arisen between the Commissioners and the Dean of Chapter of Durham with reference to certain payments; namely, a subscription to the Sons of the Clergy, 40 *l.*; Durham Training School, 100 *l.*; Durham Church Building Society, 105 *l.* I call your attention to the principle laid down by the Commissioners in 1851 in a correspondence with the Dean and Chapter of Wells, in which they say, "The Commissioners do not consider that the chapter have power to expend their revenues (in which the Commissioners participate, and which in the hands of the Commissioners are limited to specific objects) in matters not authorised by the Cathedral Statutes or by long established custom, unless immediately connected with the city in which the cathedral is situated, or with places in which the chapter either have property or ecclesiastical patronage. Payments of a different character appear to the Commissioners to fall more properly on the private funds of the individual members of the chapter." Then they state that they object to certain payments, adding "and if the payment of 14 guineas to the central school be to a school not in the city of Wells, the objection of the Commissioners will be equally to it"?—Yes.

2014. Bearing in mind the principles laid down in that letter with reference to the difference between the Commissioners and the Dean and Chapter of Wells, I would ask you upon what principle the Commissioners, having themselves laid down those principles in 1851, objected in 1855 to the contribution by the Chapter of Durham to the subscriptions to which I have called your attention?—There are four items; the Sons of the Clergy, the Durham Training School, the Durham Church Building Society, and the treasurer's salary.

2015. The latter was afterwards allowed?—The objection to the subscription to the Sons of the Clergy Society appears to be altogether consistent with the principles of the letter you have cited. "The Commissioners do not consider that the chapter have power to expend their revenues in matters not authorised by the Cathedral Statutes, or by long established custom, unless immediately connected with the city in which the cathedral is situated, or with places in which the chapter either have property or ecclesiastical patronage"?—If you will explain exactly what the difficulty is, I will endeavour to answer it; I do not quite see it.

2016. The principle laid down in this letter of 1851 was, that the Commissioners did not consider that the revenues of the chapter should be expended "in matters not authorised by the Cathedral Statutes, or by long established custom, unless immediately connected with the city in which the cathedral was situated." I ask why, having laid down the principle that if an expenditure was immediately connected with the city in which the cathedral was situated, it was not objectionable, an objection should have been raised to the expenditure upon the Durham

Durham Training School, and the Durham Diocesan Church Building Society, those being institutions within the city?—With regard to the Durham Diocesan Church Building Society, although the office or seat of the society might be in Durham, it does not seem to be a matter relating to Durham itself, any more than to any other part of the diocese. My impression is this, that if there is any inconsistency, it is the Wells letter that falls short of the correct principle; the decision in the Durham case I believe to be right.

2017. Mr. *Walpole.*] Upon this point, as I understand it, though I do not recollect to have seen it before, the four cases which appear to be within the rule, as laid down by the Commissioners in this letter, are, first, where the matters are authorised by the Cathedral Statutes?—Yes.

2018. Secondly, where they are authorised by long established custom?—Yes.

2019. Thirdly, where they are immediately connected with the city; and, fourthly, where they are immediately connected with places in which the chapter has property?—Yes.

2020. Those seem to me to be the four principles laid down; I suppose with regard to the Durham Training School and the Durham Building Society, they are modern institutions, and probably would neither be within the statutes nor recognised by long-established custom?—Certainly not.

2021. Then I imagine that the Durham Training School and the Durham Church Building Society are not immediately connected with the city, or with the places where the property is situated, but extend all over the diocese?—You have exactly expressed what I intended to express.

2022. I do not say whether the disallowance was right or wrong, but there is not any inconsistency between what is laid down in that letter, and the disallowance in the case of the chapter of Durham?—No.

2023. Mr. *Mowbray.*] Are you aware that the attention of the Commissioners was called on the 1st of May last to the fact that these payments to the Sons of the Clergy and to the Diocesan Church Building Society were prescribed by the statutes?—Yes; it is so stated in the letter from the dean and chapter.

2024. After that counsel's opinion was taken, and was communicated in a letter of the 31st of May 1855?—Yes.

2025. The receipt of which letter was never acknowledged, and nothing, I believe, has been done since; have the three payments before objected to been admitted since May last to fall within the principles laid down by the Ecclesiastical Commissioners?—I am not aware; I cannot tell you.

2026. Are you aware that an arrangement was made, pursuant to a memorandum of the 9th of March 1852, between the several chapters and the Commissioners, that the grants should be confined to the promotion of religious and charitable objects in those places in which the property of the chapters is situated, and where their position as a cathedral church demands it of them?—Yes, I think, I recollect that memorandum.

2027. You have stated that the accounts of the chapter of Westminster are in a good form, and that form, I believe, has been adopted by various other chapters which are mentioned in the Appendix which you now hold in your hand, the chapters of Canterbury, Ely, Exeter, and others which are there named; is it the case that in those accounts of the Dean and Chapter of Westminster, it appears that the Commissioners allowed on the part of the Dean and Chapter of Westminster, as a legitimate capitular payment, a subscription to a fire escape under the head of "Society for Protection of Life from Fire, 185 ," in page 237 of the Appendix which you hold in your hand?—Yes.

2028. While they objected in the same year to a contribution on the part of the chapter of Durham to the Church Building Society, the Training School, and the Diocesan Society for the Sons of the Clergy?—I can give you no information upon this point, at all.

2029. It appears from the accounts?—Is this supposed to be an account?

2030. Yes, that is the account produced by Mr. Chalk?—I have not seen the paper you produce till this moment. I have no doubt that there is some good reason for the distinction, but it is not present to my mind now at all.

2031. I believe there is another case of a chapter, which is mentioned here as having adopted the approved form of accounts, namely, the chapter of Exeter, and in that case the Commissioners have allowed a donation to baths and wash-houses?—

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houses?—I can imagine that to have been allowed as being purely local, and connected with the seat of the chapter; but these are extremely difficult questions to decide, and I am not at all prepared to say that we have been able in all cases to act perfectly satisfactorily. I do not know that we have been inconsistent, but I should not be at all surprised to find that we have sometimes been more indulgent than at others; I think it is quite possible. It is impossible to have all the cases in mind at the same time.

2032. Is it your opinion, that the Commissioners have pursued a consistent course in objecting, in the accounts for the year 1853, to the three payments which I have mentioned, on the part of the Dean and Chapter of Durham, while they have permitted the Dean and Chapter of Westminster to subscribe to a fire-engine, and the Dean and Chapter of Exeter to subscribe to baths and washhouses?—I believe that the three items to which you allude as having been objected to, in the case of the chapter of Durham, were rightly objected to. I think it probable that the subscription to the baths and washhouses, although I have not the details before me, was correctly admitted, and that it related to the locality to which the chapter were bound as owners of property to attend. With regard to the fire-escape, without more immediate knowledge of the particulars than I have, I could not express an opinion. I have very little doubt as to the correctness of our first objection to the dean and chapter payments; whether there has been any further explanation, which I have not seen, I do not know.

2033. Do you still continue to be of opinion that the Commissioners were right in their objection to those items after reading the opinion of two eminent members of the Chancery bar, Mr. Roundell Palmer and Mr. Rolt, which was communicated to the Commissioners in the letter of May 1855, to which I called your attention just now?—I am now speaking quite in ignorance of what we have done since.

2034. To go to another point. I will call your attention to the Act passed in 1854 for the Episcopal and Capitular Estates Management, and to the 6th section. The Act is the 17th & 18th of Victoria, chapter 116. With reference to the proceeds of sales, the Church Estates Commissioners are required "to apportion every sum of money paid, or to be paid into the Bank of England, under the provisions of the said Act, or of this Act, so as to set apart for the permanent endowment of such corporation, sole or aggregate, a share of such sum of money sufficient to secure to such corporation a permanent net income equal to that which, if the said Act or this Act had not been passed, would have been received by such corporation from the property by the enfranchisement whereof such money was produced, and the Church Estates Commissioners shall pay over the remainder of such sum of money to the common fund of the Ecclesiastical Commissioners for England." It appears by the Fifth Report of the Church Estates Commissioners, signed by yourself, that under the provisions of that Act to which I have alluded, you have paid over to the common fund of the Ecclesiastical Commissioners for England the further sum of 100,000 *l.*?—Yes.

2035. And I think in the Fourth Report a similar sum of 100,000 *l.* appears to have been paid over. Are you aware of that?—Yes.

2036. What sum has been set apart for the permanent endowment of the corporation, pursuant to the other provision. At the same time that this sum was paid to the common fund, was any sum set apart for the permanent endowment off the corporation, pursuant to the provisions of that statute?—Yes, as far as I know. The sums were duly apportioned on each occasion, and this is the aggregate of a great number of sums which were payable to the common fund.

2037. By what report or account does it appear that any sum has been apportioned to the corporation?—It does not appear in these accounts. The Reports of the Church Estates Commissioners do not contain that information.

2038. Have the corporation whose property has been enfranchised any means of knowing what sum, or whether any sum, has been set apart pursuant to the provisions of the 6th section of that statute?—I believe they were informed of it at the time; at all events, I think they ought to have been so.

2039. Is there no paper before this House which would give us the information?—No; I do not think there is any paper before this House which would give you the information.

Vide Appendix, page 456.

2040. Is there any correspondence in the office which would show that the bodies whose property has been enfranchised have had the sum apportioned to them?—I have no doubt an account can be furnished immediately.

2041. Marquis

2041. Marquis of *Blandford.*] That sum of 100,000 *l.* is only the surplus?—It is the surplus; it is the aggregate of a great number of sums.

2042. It only accrues after a certain sum has been set apart?—That is so.

2043. Therefore the existence of the 100,000 *l.* shows that there must have been a sum set apart in the first instance?—Yes. I think they ought to be informed of it, certainly.

2044. Mr. *Mowbray.*] And if they have not been informed of it, can any Return be furnished to this Committee to show in what way any moneys set apart for the permanent endowment of various corporations, pursuant to the 6th section of this Act, have been set apart?—I have no doubt that can be furnished.

2045. Sir *W. Heathcote.*] We are told that in all sales of property by the Commissioners, the proceeds are invested in the funds unless real property is available for purchase?—Yes.

2046. Are there any instances in which any part of those proceeds has been applied as revenue to current expenses?—Generally speaking, they have been placed in the common fund; in fact, they have always been carried to the common fund. I should conceive that when the common fund was in such a state as to admit of any investment being made, an investment has been made. I do not believe that the proceeds have always been specifically invested; indeed I am almost sure they have not.

2047. There is no distinction then of the capital account and the revenue account in the account books of the Commissioners?—I think you will perceive in the accounts that there is a distinction between the capital account and the revenue account.

2048. If that be so, are the proceeds of all sales invariably carried to the capital account, and are no drafts made upon that account for the purposes of current expenditure?—I cannot tell you; I do not at the moment know how that is.

2049. Sir *J. Graham.*] The accountant of the Commission would answer these questions?—Immediately. I think there is a capital account.

2050. Have you given your particular attention to the mode in which the accounts are kept?—I have not given a great deal of attention to it.

2051. But you believe the accountant to be competent, and that he will be able to answer any questions with regard to the mode in which the accounts are kept?—Undoubtedly.

2052. Mr. *Wilkinson.*] With respect to lessees of Church property, I believe it has been the habit of the Commissioners to encourage the purchase of reversions by the lessees?—Yes.

2053. A great deal of this property which is leased has been sub-let, has it not?—I do not believe that it has been very often. On the south side of the river there is a great deal of property of that kind, but I do not believe that it has been very often sub-let elsewhere.

2054. The Bishop of Winchester's property is of that description?—Particularly so.

2055. In those cases, is it not the fact that a great improvement of the property has been made by the sub-lessees in the shape of buildings and so forth?—Yes.

2056. Then when the lessees propose to purchase the reversions of such property, would it not be just in your opinion that the sub-lessees should have the same power of purchasing the reversions, or rather instead of the lessees?—I think the sub-lessees' interest is provided for under the last Act.

2057. Are not the sub-lessees prevented by that Act from purchasing the reversions themselves?—No, they are not prevented, but they are not empowered by that Act from purchasing the reversion.

2058. Is not the 11th section of the Act of the 14th and 15th of Victoria so worded as to have the effect of preventing the sub-lessees?—The sub-lessees are entitled to call upon the lessee for the performance of their covenants if the lessee enfranchises.

2059. If they get renewals they are entitled by their covenants to participate in the value of those renewals; but I do not know that they have any power of participating in the value of the purchase of the reversion. Will you look at the 11th section of the Act of the 14th and 15th of Victoria. I understand that that section has the effect of preventing the sub-lessees from purchasing the reversions. Does that clause 11, or does it not, prevent the sub-lessee from purchasing the reversion of the property?—It does not include the sub-lessees.

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2060. Is it your opinion that it precludes them?—Yes, in the sense of not empowering them to purchase.

2061. Do you not think that justice would require that the Act should be so altered as to allow the sub-lessees to purchase the reversions in such cases where they have built upon the property?—I think the sub-lessee would be left to deal with the lessee as he best could. I do not think that he has any claim whatever against the original lessor.

2062. So long as the lessee gets a renewal of the property, the sub-lessee is protected by covenant?—Yes.

2063. But I understand the fact to be that if the lessee proposes to enfranchise or purchase the reversion of his property then the sub-lessee is injured?—I thought that that was provided for by the 3d section of the Act to which you are alluding, the marginal note of which is, "The interest acquired by lessees to be subject to the equities and bound by the covenants of renewals to which their leases may be subject."

2064. That refers to renewals?—Yes.

2065. I am given to understand that when the lessees propose to purchase the reversions, the sub-lessees have not the same advantage which would be secured to them in the case of renewals?—I thought that they were covered by this clause; certainly I think they ought to be.

2066. You think that it ought to be so?—Yes; I thought that the difficulty was of another kind; that although the sub-lessee was protected in case the lessee purchased the reversion, yet if the lessee sold his property to the ecclesiastical corporation or bishop, then the sub-lessee got nothing; the case on the other side of the river is that of a bishop; if the lessee did not think right to enfranchise, or could not afford to enfranchise, and therefore was disposed like other lessees can do, to sell his property to the bishop, then the bishop not having any privity whatever with the sub-lessee, not being bound at all by the lessees' covenants, the sub-lessee would fall to the ground altogether.

2067. Mr. *Ingham.*] That I believe is provided for; the lessee cannot surrender his interest to the bishop without the consent of the sub-lessee?—Yes, that is so; the fourth section would provide for that; but that leaves the lessee in a little difficulty, because he may not be able to purchase, and he cannot sell.

2068. The sub-lessee is protected?—I have directed little attention to this point; but I cannot see any other remedy for it. I believe that the best plan would be for the lessees to agree with the lessor to enfranchise, and then the sub-lessees would have their rights protected, under the third clause.

2069. Mr. *Wilkinson.*] Take a particular case, the case of the Bishop of Rochester's property; that, I believe, is in a sort of transition state with regard to the Commissioners. It is not transferred, and yet it is in process of transferring?—It may be so.

2070. Do the Commissioners consider themselves at all bound with respect to the public interests in a temporal matter; take the case of the property of the Bishop of Rochester; is there any particular feeling with respect to a piece of ground near the church, which has been used from time immemorial for the recreation of the people of the neighbourhood; that, I understand, is leased; the lessee, as I understand, is proposing to purchase the reversion of that property; would the Commissioners think themselves justified in withholding the sale of that reversion, seeing that it has been used for these purposes, so as to keep it for public use?—I do not think I can give you a direct answer to that question without much more knowledge of the case; but I should say, generally, that the Commissioners would be inclined to do what an ordinary landlord ought to do; they would not consider themselves more bound than an ordinary landlord.

2071. They are not trustees for the public, in that sense, in any respect?—No.

2072. Lord *R. Grosvenor.*] Have you ever considered the amount of percentage, upon the rental of the estates under the Estates Commissioners, paid for agency?—The amount paid for agency, understanding by that word the receivers, is four per cent. upon the rackrents, and five per cent. upon reserved rents, and upon rentcharges. I do not think that is too much.

2073. Mr. *E. Denison.*] That is not by any means all?—I so specified; I confined that to the receivers.

2074. We have it in evidence that the payment to the agents of the Commission for the management of the estates which are in hand, is four per cent. upon the rental?—Yes.

2075. Then 5*s.* an acre for all drainage that is done, the agents having at the same time a person under them now at 2*l.* a week to manage the drainage; then travelling expenses whenever they go down to see after the draining, but not travelling expenses, it is stated, when they go upon other business. Formerly the architect was paid for all building, but now under a new arrangement, 5 per cent. is to be paid to the agents in lieu of paying the architect upon the building; do you think that that is a reasonable rate of payment?—I think that that is not an unreasonable rate of payment. You cannot very well make the payment for the receipt of rents cover other things which are quite indefinite.

2076. Do you know what the general arrangement in the management of private estates is?—The general arrangement in the management of private estates, I believe, to be the employment of persons at a fixed salary.

2077. Does that fixed amount of salary ever exceed or often equal even four per cent. upon the rental?—That I cannot tell you

2078. But does not that make all the difference; what is the difference between a fixed salary upon an estate of a certain income, and a per-centage upon the rental?—I do not know the amount paid in fixed salary in general to the agents of private estates, but I know that when private persons employ a firm instead of having an agent themselves, 4 per cent. and 5 per cent. are very ordinary charges. It does not strike me that 5 per cent. upon the outlay of money requiring superintendence is very much.

2079. Upon what data do you make that statement if you do not make it upon a comparison between the management of individuals and the management of public bodies?—I make it upon my belief and impression, that 4 and 5 per cent. are the ordinary rates paid by individuals who employ agents not being exclusively devoted to themselves.

2080. But are you able to say whether, when 4 per cent. is paid, those other charges are also allowed?—I do not think I can tell you from experience, but I should think it just.

2081. Sir *W. Heathcote.*] Did you ever know a case where as much as 4 per cent. was given for the receipt of rent only?—Yes; that includes, of course, the ordinary superintendence of the estate, but not the superintendence of particular works requiring it.

2082. Mr. *E. Denison.*] Do you state that upon your knowledge or upon your belief of what it ought to be?—Partly both, I think.

2083. Considering the difficulty which attaches to the management of landed property under those circumstances, do you retain the opinion which was expressed in the Report of the Commission upon which you sat with Lord Harrowby, that another arrangement would probably have been more desirable?—I confess I should prefer myself, if it were possible, that the whole of the provision to the Church should be either made by rentcharges, or by the investment of stock; but I have no doubt that the Church would generally very much object to this.

2084. If it should be made to appear that the Church might gain some income by the proposed plan, do you think that the plan of having a rentcharge upon property gives a greater security to the Church than the direct possession of the land?—No; I think that the most secure property is the possession of land, certainly; besides being more secure, there is the gradual increase in value of land which you do not get in any other way.

2085. Was not it an element in your recommendation, that as many other persons were interested in this land besides the direct holders in connexion with the Church, that gave an increased security?—I thought that it gave increased security, and I think so still.

2086. Does not the fact of the Church having a rentcharge upon property, and having all these lessees interested in the maintenance of that property, give more security than the mere possession of an estate, which in troublous times might be alienated by a single Act?—If the Church merely had a right to a rentcharge arising out of land it would not derive any additional security on account of the holding of that land by the owner of the land.

Martis, 15° *die Aprilis*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir J. Pakington.	Mr. Evelyn Denison.
Sir James Graham.	Mr. J. A. Smith.
Marquis of Blandford.	Mr. Mowbray.
Mr. Wilkinson.	

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

John George Shaw Lefevre, Esq., C. B., further Examined.

J. G. S. Lefevre, Esq., C. B.

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Vide Appendix, page 260.

2087. Mr. *Mowbray*.] THE Committee have a letter addressed to you by the Bishop of Durham, dated June 1851. I believe that letter referred to a Draft Report on Episcopal Patronage, signed by yourself, dated the 16th of January of that year?—It did so.

2088. At that time, and up to the present moment, I believe the patronage of the Bishop of Durham has consisted of 57 livings within the diocese, the alternate presentation to eight others in the diocese, and one only without the diocese?—That is quite true.

2089. One in the diocese of Lincoln?—Yes; that has not been altered hitherto.

2090. This Report has not yet been acted upon?—It has not been acted upon so far as relates to the province of York and to Wales.

2091. By this Report it was proposed to take away the patronage of the living situated in the diocese of Lincoln, and to transfer that to the Bishop of Ripon?—It was so.

2092. To that portion of the Report I believe the Bishop of Durham offered no objection?—He made no objection to that.

2093. But it was further proposed to transfer to the see of Manchester the patronage of 13 livings, locally situate in the diocese of Durham, of the annual value of 9,000 *l.*?—Yes.

2094. It was also proposed to transfer to the see of Ripon the patronage of 10 livings locally situate in the diocese of Durham, of the annual value of 7,000 *l.*?—That was one of the proposals.

2095. In making those recommendations have the Committee on Episcopal Patronage taken into consideration the arguments urged by the bishop with reference to the claims of the city of Durham?—I think they have. Some of those arguments I have myself used in the same direction as the bishop, but without success.

2096. You yourself used some of those arguments in the Committee of the Ecclesiastical Commission?—Yes.

2097. Then am I to understand that in your judgment it is an undesirable arrangement that the patronage of livings, situate within a diocese which from time immemorial has belonged to the bishop of that diocese, should be transferred from him to another bishopric, situated at a distance?—I do not go so far as that; I think it very desirable that all bishops should have patronage duly proportioned to the importance of their sees; but this cannot be effected if you confine the patronage of the bishop to livings in the diocese of the bishop. There are not sufficient livings in episcopal patronage throughout the different dioceses to make a proportion of that kind, and unless the see of Durham gave up a considerable number of the livings situate locally within the diocese, there would be no means whatever of providing patronage for Manchester and Ripon. The difference of opinion between the Ecclesiastical Commissioners and myself was simply a difference of degree; it was not a difference upon the point referred to in your question;

question; but I thought that some special allowance (or if I may venture to call it so), an indulgence, should be shown to the Bishop of Durham in respect partly of one of the arguments here mentioned, namely, the antiquity and high rank of the see, and partly because it had within it a university of a character which might make it desirable that the bishop should have more patronage than would otherwise be proportioned to the importance of his see, inasmuch as he might have some necessity of giving livings to persons connected with that university.

2098. You are aware that the tenure of the fellowships in that university is limited to 10 years?—I think that was before me at the time; I felt that the university had some claim, but the same question arose as to Oxford and Cambridge; Cambridge in reference to the see of Ely, and Oxford with reference to the see of Oxford. The Commissioners, however, who gave a great deal of attention to the subject, and considered it very impartially, did not admit the claims as regards either of the universities, Durham, Oxford, or Cambridge.

2099. But there is this distinction, I believe, between the University of Durham, and the Universities of Oxford and Cambridge, that the colleges in Oxford and Cambridge have large ecclesiastical patronage, whereas the University of Durham, and the colleges within it, have no patronage whatever?—That is quite true; that made the case of Durham stronger than the cases of Oxford and Cambridge, in my opinion. However, the changes which have taken place as regards patronage have hitherto been confined to the province of Canterbury. There is much difficulty as regards the province of York, in the circumstance of the necessity of giving to the Bishops of Manchester and Ripon patronage out of those dioceses, and there were such very great objections on the part of the Bishop of Durham and the Bishop of Carlisle, that I felt much disinclined to proceed with the arrangements.

2100. You spoke of it just now as an act of indulgence to the see of Durham, that it should be allowed to maintain that which had been its own from time immemorial?—I do not know any other convenient expression. Perhaps I should rather call it an exception in favour of Durham, for there were certain principles resolved upon by the Commissioners with regard to the distribution of patronage, which principles appeared very just in themselves, namely, that the amount of patronage should depend upon the importance of the see, and that the importance was to be measured partly by population, and partly by the number of clergy. Those appeared to be very good elements on which to form the scale of importance, and calculations founded upon those principles were drawn up, and those calculations gave a certain result, showing that a certain number of livings of a certain value ought to belong to each see. Under those arrangements the number which Durham would have to part with is very considerable, as has just been stated, but the principle applied to that see was intended to be impartially applied to all, and any exception to that principle in favour of Durham may be termed an indulgence to the see.

2101. Having reference to the test of population to which you have alluded, are you aware that the population in the county of Durham increased in a greater ratio than that of any other county in the kingdom during the ten years between 1841 and 1851?—I may have been aware of it. I do not think however that I was aware of that relative increase. I know that the population of Manchester and Ripon had also increased enormously in the same period.

2102. But not nearly in the same ratio?—Perhaps not.

2103. Sir *J. Graham.*] Has the Legislature confided to the Ecclesiastical Commission the power of effecting the exchange of patronage between the sees as the sees become vacant, or must it be a voluntary arrangement?—It is a matter within the powers and discretion of the Ecclesiastical Commissioners, not binding upon those bishops who existed before the Act 6 & 7 Will. 4, c. 77, was passed.

2104. But the Legislature has confided to the Commissioners this power of compelling exchanges as the sees become vacant?—That is so; and I am bound to say, with regard to the province of Canterbury, which comprises by far the greater proportion of the dioceses, that although there was an objection on the part of one or two bishops who gave up more than they received in the way of patronage, yet upon the whole they were very well satisfied with the division, although the changes made were very great indeed.

2105. The Bishop of Carlisle has patronage of great importance in the diocese

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of Durham, such as the right of presenting to Newcastle, has he not?—He has so.

2106. He also has a considerable number of valuable livings in the diocese of Lincoln?—I think he has some in Lincoln, and I think some in Chester too. According to the scale or measure of the importance of dioceses, his share of the patronage, when redistributed, would be a very small one, indeed.

2107. The late bishop declined his consent to the proposed exchanges?—His consent, which was necessary for the immediate effect of our proposals, inasmuch as he had his bishopric before the 6 & 7 Will. 4, c. 77, passed, he refused.

2108. The Bishop of Carlisle has the presentation to Newcastle, and he has the presentation to Warkworth and several livings of great value and importance in the diocese of Durham?—He has some; I do not at the moment recollect what.

2109. The see of Carlisle being just vacated, power is now vested in the Commissioners of enforcing the exchange with reference to Carlisle?—It is now open to the Commissioners to do what they think fit. The Bishop of Durham having been appointed since the Act 6 & 7 Will. 4, c. 77, is bound by what we think right to do.

2110. *Chairman.*] The Act to which you allude is the Act of 1836 or 1837, is it not?—Yes, the Act of 1836.

2111. Sir *J. Graham.*] When the see of Durham shall become vacant, the see of Carlisle having just been vacated, great facilities will be open to the Commissioners to effect the exchanges in the province of York, which they may think desirable under the power vested in them by law?—I think it probable that there will be no difficulty upon the next vacancy of the see of Durham, in making such changes as may be desirable.

2112. The see of Carlisle having also become vacant?—Yes.

2113. Mr. *Mowbray.*] I believe the number of livings locally situate within the diocese of Durham, the patronage of which belongs to the Bishop of Carlisle, is only four?—Yes.

2114. Of which the annual value is 2,164 *l.*?—I have not the papers before me. The statements in the Durham Report are all derived from Returns which were made before.

2115. The scheme to which the Bishop of Durham objected proposed to give him four livings in the see of Durham, taken from Carlisle, of the annual value of 2,164 *l.*, and at the same time to take from him 23 livings in the diocese of Durham to be transferred to Manchester and Ripon, of the annual value of 26,000 *l.*?—That was the effect of the scheme; but at the same time I am bound to add, that although so great a subtraction was made from Durham, yet even then it was proposed to be left with a considerably higher scale of patronage, in point of value, than any of the other sees.

2116. I believe that the objections urged against this proposed redistribution of the episcopal patronage within the diocese of Durham were not confined to the bishop, but that the Ecclesiastical Commissioners have received memorials against it from the university, the nobility, and the gentry of both counties, Durham and Northumberland, and the clergy of both counties?—I believe they have received memorials of that kind.

2117. In short, there has been a general feeling throughout the diocese among both clergy and laity that the diocese would be treated with injustice by the proposed re-arrangement of episcopal patronage?—I have not the least doubt that strong objections would be made to it, because of course it deprives them of the prospect to which they might be justly entitled, of promotion.

2118. Are there not memorials from both counties on the part of the laity as well as the clergy?—I think it probable. I do not at the moment recollect them.

2119. You alluded just now to population as giving a claim. Are you aware of the immense population which suddenly grows up within a newly-formed district in the county of Durham by the opening of new pits?—Yes, especially in mining districts.

2120. And are you aware that clergymen of peculiar qualifications may be likely to be most acceptable to such a population?—I have no doubt of it.

2121. Do you not think that the bishop of the diocese would be more likely to find among the clergy of his diocese persons well qualified to discharge those difficult duties which are thrown upon incumbents within those mining districts, than the bishop of a diocese at a distance, such as Ripon or Manchester?—Certainly;

tainly; I have no doubt that it is of much greater advantage that the patronage should belong to the bishop within whose diocese it is locally situated. The Commissioners themselves always felt that very strongly, but the alternative was, that unless they gave to the Bishop of Ripons and Manchester patronage situate out of the dioceses, those sees would have none at all.

2122. In short, it was necessary to rob the see of Durham of that which might be beneficially enjoyed by the Bishop of Durham in order to make provision for Manchester or Ripon?—I should not call the operation by that name.

2123. Sir *J. Graham.*] It would be a question of degree. If the Commissioners thought it was desirable to transfer to Durham the patronage of Carlisle within the see of Durham, there might, without any grave objection on the score stated in the last question, be a transfer from Durham either to Manchester or to Ripon of a certain proportion of the patronage of Durham?—Yes. Still I am bound to admit that the arrangement subtracted from Durham a very large amount of patronage indeed, simply from the reason which I mention, because there was no other way whatever of providing Ripon and Manchester with new patronage. Those two dioceses have no patronage of their own, or very little indeed.

2124. *Chairman.*] Did you understand that the original power given to the Commissioners was for the purpose of apportioning a fair amount of patronage to each bishop, without giving either any very great excess or any very small amount of patronage to each?—Yes, I have no doubt that such was the intention of the Act, and I have no doubt also, that the arrangement proposed effected, in a reasonable manner, that object. I have had a great deal to do with the arrangement myself, and I have endeavoured not to press the principle to an extreme point, but to do what may be termed rough justice to each see, and the result of the arrangements in the province of Canterbury has been particularly gratifying to me, for although those arrangements have involved also great subtractions of patronage from several dioceses, especially from the diocese of London, yet upon the whole the bishops generally were satisfied with it.

2125. Sir *J. Graham.*] And happily, although there was considerable difference among the bishops in the province of Canterbury respecting the exchange in the first instance, it was adjusted by consultation, and by the conciliatory demeanour of the Estates Committee, without any exercise of compulsory power?—So far it was in exercise of compulsory power that it was done by a scheme, but there was an acquiescence in it.

2126. The whole arrangement in the province of Canterbury is complete?—Yes, except with respect to Wales, and subject to some very small adjustments which will be made when the province of York is dealt with.

2127. *Chairman.*] And that arrangement was made with the consent of the bishops?—That arrangement was made with the acquiescence of the bishops. The only bishop who was very much disturbed about it was the Bishop of Hereford, who was very much in the condition of the Bishop of Durham, only in a smaller degree; he was deprived of a considerable number of livings, which previously belonged to his see, but ultimately he very courteously and graciously acquiesced in the plan.

2128. Mr. *Mowbray.*] But this arrangement taking away 26,000 *l.* a year, and giving 2,100 *l.* a year, has met with universal reprobation in the see?—No doubt it has been objected to in the diocese of Durham; I believe, however, that the bishops who are to receive that patronage are very desirous that it should be carried into effect.

2129. Sir *J. Graham.*] They are now without patronage?—Yes, they are without patronage which is of the slightest value. They have several livings in their gift if you may venture to call them by that name, the emoluments of which are 150 *l.* a year; that is almost all that they have.

2130. Are those Peel livings?—Yes; Peel districts. I speak without having referred to the papers, but I rather believe that there is hardly anything else in Manchester and Ripon.

2131. If patronage be vested in the bishop for the encouragement and reward of the clergy placed in his diocese, the Bishop of Manchester has not this most salutary means of encouragement in any degree whatever?—He has not, and he is dissatisfied, and I think with some justice, that we have not proceeded more rapidly to provide him with that patronage.

2132. And the Bishop of Ripon is provided with patronage in a very inadequate degree?—I believe he is exactly in the same position.

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2133. Those two dioceses comprise the immense population of very large towns?—They comprise the population of Manchester and its vicinity, and the population of Leeds and its vicinity.

2134. And Wakefield?—And Wakefield, and all the great manufacturing towns in its vicinity.

2135. *Chairman.*] Do you believe that the clergy and laity of those two dioceses participate in the feeling of their bishops with regard to the transfer of patronage?—If they thought about it at all, I have no doubt they would be very anxious and happy that this patronage should be transferred.

2136. Sir *J. Graham.*] And the duty confided by the Legislature to the Commissioners is to weigh the relative claims of the different districts, Durham on the one hand and Manchester and Ripon upon the other?—It is so.

2137. Not regarding the patronage as a question of either power or favour on the part of the respective bishops, but for the good of the Church only?—Solely with reference to the good of the Church.

2138. *Chairman.*] Have the Commissioners frequently had occasion to consider the principle laid down in the 67th section of the 3d and 4th Victoria, which provides that in certain cases "due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen"?—Yes, we have frequently had to consider those local claims.

2139. Are you aware of the amount of income arising from tithe rentcharges which is in the hands of ecclesiastical corporations, of bishops, or of deans and chapters?—I do not immediately recollect it.

2140. Is there a large part of this income now in the hands of the bishops, or of the deans and chapters, and which has not come at all into the power of the Ecclesiastical Commission?—Yes, a very large amount indeed; subject, of course, to outstanding leases.

2141. Is there a considerable degree of dissatisfaction in many places which are populous, at this clause not being carried into effect, and their local circumstances not being considered?—I think I may say that there is a good deal of dissatisfaction.

2142. In what manner do you consider that that clause can be carried into effect with respect to those revenues?—When those revenues come into our hands, and the terms for which the leases have been granted have actually expired, or in the cases in which the Commissioners shall have purchased the leases, when the periods shall have arrived at which the terms of the leases would have expired, I think the proper opportunity will then have arrived for allotting a sufficient portion of the tithes to meet the wants of the place, and to apply the surplus only to the general funds of the Ecclesiastical Commission.

2143. What will occur with respect to the vacancy of the see of Carlisle, supposing (which I believe to be the case) that the income of the see of Carlisle is partly made up of tithe rentcharges arising from populous parishes; will the present arrangement continue, or will the Ecclesiastical Commissioners pay to the Bishop of Carlisle a certain settled sum, and will those tithe rentcharges come into their possession?—I believe that the Ecclesiastical Commissioners will pay the Bishop of Carlisle a certain sum and take possession of the property, including these rentcharges.

2144. Will they then be enabled to make such arrangements as may be satisfactory to those parishes?—When the arrangements with the Bishop of Carlisle are finally adjusted, I think they will be able to make arrangements for meeting local claims out of these tithes, supposing always that the leases of the tithes have actually or virtually expired; but they must first, I think, make an endowment for the Bishop of Carlisle; I think that would be the first step. If that is the plan which is adopted, they must first settle what estates and rentcharges shall become the endowment of the bishopric.

2145. Will they not, in settling that endowment, avoid as much as possible making any part of the bishop's income dependent upon tithe rentcharges, where there may be great local demands?—I think that that would be the proper course.

2146. Will not, in that case, the income and the funds in the hands of the Ecclesiastical Commissioners be considerably diminished?—Of course, to the extent to which they meet the local claims out of these tithes it will be a burden upon the Ecclesiastical Commissioners; but I do not see why the places so circumstanced should be in a worse position than other places, where the tithes actually now belong to the Ecclesiastical Commissioners. When the tithes come into the

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Ecclesiastical Commissioners' hands, and the leases shall have actually or virtually expired, as above mentioned, I think that the claims of places having a local claim ought to be satisfied.

2147. Have you ever made any calculation, or have the Commissioners made any calculation, as to the sums which would be required to satisfy those local claims?—I think not; they would be very considerable; but I have no idea of their amount at all.

2148. Do you think that any calculation can be made of that amount?—I should doubt it.

2149. Marquis of *Blandford.*] Do not the Commissioners sometimes find inconvenience arising from the existing arrangements with regard to the bishops' property in this respect, that it might be considered advisable to determine a lease in some cases, and that the lease still being virtually under the management of the bishop, the Commissioners have no power to recommend the determining of the lease?—I should rather say that the inconvenience arises with regard to enfranchisements, and that they cannot be carried on so easily through the bishop, or through the chapter, as they can when the reversion is in our hands. I do not recollect at this moment any special inconvenience of the kind which you mention.

2150. Take the case of tithes, where the Commissioners might consider that there was a strong local claim for augmentation in respect of those tithes arising in any place, the property belonging to a bishop, and the Commissioners being bound under the present law to sanction the amount of charge which is to be received in respect of a renewal, might not the Commissioners think it desirable that no renewal should take place, in order that the local claim might be either immediately or prospectively provided for, but the bishop, having the lease in his hands as it were, and merely the sanction of the Commissioners being required to the arrangement, considers that he has a right, and is entitled, to a renewal of the lease?—I certainly can conceive easily that there might be cases where it is desirable to purchase a tithe lease for the sake of eventually making provision for the parish where the tithes arise, which would be prevented by its remaining in the hands of the bishop.

2151. So that if the property were vested in the Commissioners; in fact, if these arrangements were generally carried out, which have already begun, a greater facility would be given to the supply of those local wants?—I think so.

2152. Sir *J. Graham.*] Are these cases, to which allusion has been made in the former answers, so numerous as at all to shake your opinion that it would be desirable to proceed by voluntary arrangements instead of by further compulsory process?—Certainly not.

2153. Lord *R. Cecil.*] You stated, in answer to the Chairman, that you did not see the difference between the cases of local claims, arising from property belonging to a bishop, the Bishop of Carlisle, for instance, and those where the property was originally vested in the Ecclesiastical Commissioners?—Supposing that property to come into our hands.

2154. The clause under which you act in reference to local claims, is, I think, the 67th section of the 3d & 4th Victoria; chapter 113, the proviso?—Yes.

2155. "Provided always, that in making any such additional provision out of any tithes, or any lands, or other hereditaments allotted or assigned in lieu of tithes so vested, or to be vested, in the said Commissioners." Have not the Commissioners interpreted those words "so vested" to imply that local claims only arise out of those cases where the tithes have come by process of this Act into the hands of the Ecclesiastical Commissioners, not where they have come by agreement with any bishop, or by purchase?—I do not recollect that interpretation being put upon this clause. All the various Acts are construed as one Act, and this transfer is made under the combined provisions of several of the Acts.

2156. Then, if tithes have come into your possession from any ecclesiastical corporation, so that they have not come by expenditure out of the common fund, you always attach a local claim to those tithes?—I think this clause attaches a local claim to those tithes, and generally I believe we have attended to such claims at the proper time.

2157. Have you the Return which has been circulated, of the tithe rentcharges vested in the Ecclesiastical Commissioners. Will you look at the case of Cilcen, in Flint. You observe that of the parish of Rhes-y-Cae, the present income, including the Commissioners' Grant, is only 72*l.* a year, the population being 970, and yet the tithe rentcharge of the Commissioners is 472*l* a year. Do you consider

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that to be "due consideration of the wants and circumstances of the place in which the tithes have arisen"?—It seems a small grant, I admit. I do not, at this moment, recollect the circumstances which limited it to that.

2158. Have the Commissioners judged each case simply by itself, without reference to any fixed rule, or have they made any sort of rule or proportion in giving aid to places where tithes have arisen?—I think we have generally considered the circumstances of each case as it arose; indeed, I am almost certain of it. We have given to some larger grants than to others, according to their wants. In the case of a place with a very small population, or a population not likely to increase, we should certainly give a less amount than where there was a large population.

2159. Do you consider 72 *l.* a year in any case an adequate income for a clergyman?—It is very small, indeed, and I do not know why in this particular case it was so limited; I suppose there was some reason for it at the time.

2160. Is there no fixed scale having reference to population, upon which the Commissioners proceed in dealing with such cases?—I cannot at the moment recollect any.

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2161. Will you turn over the next page and look at the case of Thurlby in Lincolnshire; the Commissioners draw 204 *l.*, and the whole income of the clergyman, including the Commissioners' grant, is 55 *l.*: does that seem to you a due consideration of the wants and circumstances of the place?—There appears to be an explanation given at the side.

2162. The Commissioners have agreed to raise the endowment to 80 *l.* per annum, upon its ceasing to be held with another living; do you consider that 80 *l.* a year by itself is a sufficient income for a clergyman?—It is a very small income for a clergyman, I admit, but considering the population to be only 156 persons, it does not appear to me that the grant is less than it ought to be.

2163. Would not that rather be a ground for allowing it to be held in conjunction with another living?—That depends upon where the other living is, of course. It would be a reason for uniting the two permanently, if the small living was close to the larger one.

2164. Then there is a place in Wales, Llandisilio Gogo, where you will observe that with a population of 2,249, three cures of souls have only 275 *l.* between them, and the Commissioners draw 450 *l.*; you do not happen to recollect the circumstances of that case?—No. The infinity of cases of all sorts which have come before us, renders it perfectly impossible that I should be able to explain any particular case, unless I know beforehand what it is that you desire to be informed of.

2165. I was rather anxious to extract, if possible, whether there was any sort of rule, or whether the Ecclesiastical Commissioners were content in each case to decide on the impulse of the moment?—I should hardly call it the impulse of the moment. I think they decide upon the cases according to their special circumstances.

2166. Sir *J. Graham.*] Population is only one of the ingredients which enter into the decision of the Commissioners with respect to these cases?—Population of course is an important ingredient.

2167. Do they not consider the extent of the parish and the distance from the church, either the parish church or a neighbouring church?—All the peculiar circumstances of the living either are or ought to be considered. I think they are.

2168. From your experience of the consideration given, has not each case come under careful review with respect to all the facts of that case?—I believe I may say so; but there are not a great number of cases which have occurred of late years.

2169. With your experience in dealing with these local claims, should you say that an inflexible and unbending rule, without regard to local and particular circumstances, or a flexible rule with reference to local circumstances, was the guide to the right course in which to proceed?—A flexible rule, certainly.

2170. Lord *R. Cecil.*] But, flexible or inflexible, you have no rule at all?—The rule would be to provide properly for the necessity of the parish, whatever that might be.

2171. Sir *J. Graham.*] Balancing the local claims against the spiritual wants which are met from the common fund?—Yes; there is always that consideration acting upon us; and I think that while the common fund was in a state of great difficulty,

difficulty, we found it necessary to be extremely careful as respects admitting and providing for local claims.

2172. And though these particular livings may have very small incomes, yet in the large and populous districts endowment is altogether wanting, from the inability of the Ecclesiastical Commissioners to endow from the common fund?—The destitution of very large masses of the population with regard to religious instruction and church room is far greater than that which exists in these small livings.

2173. Mr. *E. Denison.*] There is a second class of local claims, is there not, which would arise from those places in which you hold masses of property?—Yes; they do not fall within the Act, but I feel that they are entitled to consideration. In a town, for example, in which we have a large house property, I think that we are bound to give weight to that circumstance when claims are made upon us for assistance.

2174. Should you not also consider, that if in an agricultural parish you held half of the land as landlords, certain obligations of a charitable nature, and so forth, would fall upon you?—I think we ought to do whatever a trustee landlord could be permitted to do; I think we have endeavoured to take as liberal a view of that as we could in the way of subscribing to local institutions.

2175. We have had it given in evidence here that in the parish of Norwell, which is one of the chief seats of your landed property, as far as we know, yet there never has been a single shilling subscribed or given in assistance in any way. We understand that nothing has been done in the repairs of the chancel which belongs to you; that a memorial was presented last year, stating that it was your business to repair the churchyard fence; that that has not been done, and that as regards schools or charitable institutions of any kind, not one single shilling has been given in a parish from which you draw 1,000 *l.* a year, or something of that sort. Has that ever been under your consideration?—I do not recollect the circumstances which you mention; but I should have no doubt in saying that we ought to do what a good landlord should do; what a trustee landlord is permitted to do.

2176. I do not quite understand you; I should like you to explain what you mean by "a trustee landlord"?—It is not our own money that we are disposing of; therefore, of course, we cannot venture to do acts of mere generosity, and I think our duties as landlords are quite distinct from our duties as Ecclesiastical Commissioners; but I quite admit that we ought to do for a parish, where we have property, what a landlord ordinarily does, subject only to this, that we might be acting illegally if we did more than a trustee or receiver acting under the Court of Chancery is allowed to do. I understand that the Court allows certain things to be done, and to that extent we ought at least to go. If we have not done so, we ought to have done so.

2177. What are the sort of payments which the Court of Chancery would allow in a parish where you hold so considerable a portion of land as trustees?—I think it would allow small subscriptions to the support of schools. The repair of the chancel falls under a totally different kind of obligation; that is not an affair of the landlord, but of the owner of the rectory or tithes as such.

2178. As owner of the great tithes?—Yes; that is a separate obligation altogether. I see very great difficulty in telling you, *à priori*, what the Court of Chancery would allow us to do. Perhaps in a particular case, if it were mentioned, I might be able to decide; but I should not like to decide even this off-hand.

2179. Would it not allow some contribution of a spiritual nature to the poor?—I should doubt whether it would allow the repairs of a church, because those are provided for in another way.

2180. Are you aware that a memorial from the vicar and churchwardens of this parish has been lately sent to the Ecclesiastical Commission?—If you will tell me how long ago I will endeavour to answer the question.

2181. I think within the last fortnight?—Then I have not seen it.

2182. Marquis of *Blandford.*] With regard to the claims which might attach in consequence of landed estates being situated in any locality; that inconvenience which I was referring to just now, respecting the arrangement which might be made on the termination of a lease, or the renewal of a lease, would arise in almost every case of a lease, would it not, where there were destitute parishes in the neighbourhood?—Almost every lease of tithes, when it actually or virtually expired, would carry with it some local claim that would be so, in very many cases, I should think.

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2183. Not only with tithes, but also with landed estates. Do you not think that if local claims do exist in respect of estates situated in any locality, the difficulty which I have before alluded to respecting the renewal or non-renewal of a lease would arise in a great number of leases, which might be brought under the consideration of the Commissioners?—Assuming the first part of your question it would, but I do not recognise local claims in the sense of making provision for spiritual instruction any further than is given by the 67th section, with one exception only, to which I will confine myself, namely, those places in which the property of the Commissioners is covered with houses, and a great population is brought together there. Although they are not contemplated in the 67th section, yet I think in those cases there is a moral claim upon the Commissioners to do something for the place.

2184. Do not you think that where a large estate exists, and there is a very ill-provided population, and a very poor parish, there is as large a claim upon the Commissioners to augment that parish as there would be in the case of the Commissioners drawing tithes from that part of the country?—There may be a strong moral claim, but then there is an antagonistic claim upon the part of the general public, or rather that portion of the public consisting of the population of destitute parishes.

2185. Can you draw any distinction in your mind between property arising from tithes and property consisting of land, in respect of the moral claims?—I suppose the Legislature in this 67th clause, in confining it to tithes, and land in lieu of tithes, considered that the tithes were originally allotted to the Church for the spiritual advantage of the parish where they arose, and that it is only by various circumstances that they have been applied elsewhere. The admission of a local claim in respect of tithes, or of land in lieu of tithes, is rather a restitution of the tithes to their original object. That is not the case with land belonging to the Church when we do not know whence it has come.

2186. Mr. *J. A. Smith.*] Is it not fair to assume that the land became the property of the Church for spiritual purposes also?—There is no certainty that the estate was given for the particular support of the parish where it is situate. In tithes there is that probability. It is not absolutely certain, but it is nearly certain that the tithes of the parish were originally granted for the spiritual support of that parish. It is not so in an ordinary estate. The Church may have bought it. We do not know whence it came. I took no interest in these things at the time of the passing of this Act, and I may be quite wrong in my view of the principle of the 67th section, but that is the distinction which I see between land given in lieu of tithes and land not given in lieu of tithes.

2187. I understand you to recognise local claims for spiritual relief in cases of spiritual destitution in all cases of tithe rentcharge coming into the power of the Commissioners. Do you recognise that claim when the place so claiming relief has risen rapidly into population and importance of late years? Do you consider that case excluded, or peculiarly claiming your attention?—It seems to me to have a double claim; one in respect of the local claim clause, the other as part of the common mass of populous districts which we wish to assist.

2188. In all cases of tithe rentcharge coming into the hands of the Commissioners, persons suffering now from spiritual destitution may look forward hopefully to receiving the attention of the Commissioners?—I think so.

2189. Mr. *Wilkinson.*] In answer to a question of mine the other day, I think you said that you considered that the Commissioners would be only inclined to do what an ordinary landlord ought to do; that they would not consider themselves more bound than an ordinary landlord?—Yes, in the particular case which you mentioned; it was the case of a cricket ground, was it not?

2190. A recreation ground. I think now, in answer to Mr. Denison, you have used the words "trustee landlord," in a restrictive sense, even upon that?—Yes; I am afraid that I must submit to that restriction, it not being our own money that we are paying away.

2191. Do you not think that it should be rather the other way; is not the excuse for the existence of this Commission a certain amount of benefit to be derived to the Church, and a certain amount of benefit to be derived to the public?—The benefit derivable to the public is only in two ways; first, by benefit to the Church, next, by the arrangement with the lessees. I do not think it was contemplated that the Commissioners should have regard to the public in any way beyond these.

2192. I am speaking with reference to the duties of a landlord, to which Mr. Denison just now alluded, as to cases of subscription and so forth; and I ask you whether you do not think that the Commissioners would be even more bound than ordinary landlords to attend to those claims?—No, I do not think they are bound more than ordinary landlords.

2193. With respect to a matter to which I before referred, the Commissioners of course, when an estate is made over to them, are absolute owners of the reversionary interest?—Yes.

2194. You would not think them, under such circumstances, at all bound to consider the claims of the public in withholding the sale of those reversions?—I should think not.

2195. Do you consider the Commissioners in any way bound to sell those reversions to the existing lessees?—Unless there are very peculiar circumstances which I will not pretend immediately to define, I think they are bound either to sell to the lessee the reversion or to purchase the lessee's lease, and I think unless there is some good reason to the contrary, they ought to lean strongly to selling the reversion.

2196. Sir *J. Graham.*] Independently of legal or equitable obligations, would not an honest trustee or guardian acting for a minor in the management of a landed estate, be less liberal in his grants to meet local wants, than if he were the tenant for life himself, or the owner in fee?—I believe he would; he would be bound to consider that he could not indulge in generosity.

2197. And do you not regard the Ecclesiastical Commission with reference to landed property, and such contributions as are consequent upon the enjoyment of it, in the light of a guardian or of a trustee?—I do.

2198. Mr. *E. Denison.*] Is not it one objection to the Ecclesiastical Commissioners holding property in masses, that first of all they are necessarily non-resident, and therefore the parish is deprived of the advantages which result from a resident proprietor, in the employment of labour and many things of that sort. If they are to be restricted extremely in their contributions, it would be difficult for a parish under such circumstances to feel very well satisfied with the position in which they stood, would it not?—I feel bound to say that I think it is not so good for a parish that the Ecclesiastical Commissioners should hold property therein as a resident landlord, but then, on the other hand, there are a very great number of parishes in which the land is held by landlords who do not reside there; perhaps there is not very much difference between them and the Ecclesiastical Commissioners.

2199. Lord *R. Cecil.*] Is it not the case, that even if a landlord is not resident in the part of the country where his estates are, he subscribes to all the charities and aids all the local undertakings of that parish?—He very often does so.

2200. It is the habit to do so, and the Ecclesiastical Commissioners feel themselves bound not to do it?—No; we feel ourselves bound to do as much as a trustee landlord is permitted to do; and that is not doing nothing.

2201. But does not the question asked by Mr. Denison apply; the tenure of the Ecclesiastical Commissioners is very far less beneficial than the tenure either of an ecclesiastical corporation or of an individual proprietor?—I think they would not be able to do so much, certainly, as a non-resident landlord. On the other hand, taking one landlord with another, they might do as much. Of course landlords differ in degrees of liberality; but there is no reason why the Ecclesiastical Commissioners should not be as liberal as they may be in all places where they have property.

2202. Have you felt yourselves at liberty to give anything as subscriptions to local objects?—We subscribe to schools, I think, occasionally. At the moment it does not occur to me, but I think there are further objects of local interest which we aid.

2203. You drew a distinction just now between local claims under the section of the Act and the moral claim arising from your having property in the parish; and you said that in cases where that property lay in ground-rents, it was the habit of the Commissioners to relieve the spiritual destitution of those places before that of others?—I am not aware that I went so far as to say that it was our habit to relieve those places; but I think that those places have some claim upon us which I should be prepared to recognise. I am now speaking entirely my own opinion. I do not know that that is the opinion of the Board.

2204. As the practice of the Commissioners, you do not know that they have

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recognised such claims?—Speaking off-hand, I think in London they have made provision out of some of the properties which have come to them.

2205. Marquis of *Blandford.*] Do you think as a whole, that the Commissioners are as liberal in their grants and in their regard to local claims as generally report represents ecclesiastical corporations aggregate themselves to have been?—I do not think I can answer that question; instances have come before us of very considerable liberality on the part of corporations.

2206. Have they been many?—Yes, I think not unfrequent; I think the Durham Chapter are liberal.

2207. That has been recently?—Since I have known of them.

2208. Lord *R. Cecil.*] In reference to the last answer which you gave me, you do not imagine the construction of this 67th clause to be, that the Commissioners are absolutely and rigidly bound in all cases except cases of tithes, to have regard solely and simply to the greatest amount of spiritual destitution; you think that the Commissioners are entitled to admit a local claim of another nature not contemplated by this proviso?—Yes, I think so. In the case of the particular claim which I have described, namely, where they have large property covered with houses, engendering in itself a demand for spiritual instruction, I am prepared to recommend that some assistance should be given; but I do not know what the opinion of the Commissioners would be.

2209. You do not think that this 67th clause legally precludes you from entertaining such claims?—No; I do not think that it legally precludes us from doing so.

2210. Mr. *J. A. Smith.*] You use the expression, "a large number of houses," solely, I presume, with reference to population?—Yes, of course; the population in those houses.

2211. Mr. *E. Denison.*] You gave an opinion the other day, which stands in Question 1834, that in cases of leases for years, you thought some additional indulgence ought to be given to the lessees, in cases where a renewal had taken place since the date of the resolution?—I did so. Perhaps you will allow me to correct a figure there. I spoke of a term under 14 years; I mean a term under 21 years; there is a slight incorrectness in the answer there.

2212. Do you think that any consideration is due in cases of leases for lives?—Where the leases for lives are brought down to a point, so as to be equivalent to less than 21 years, I always thought, and still continue to think, that they ought to be put upon the same footing as leases for years of that duration.

2213. The reason for the indulgence is the long continued practice of renewal?—That is the general reason for the indulgence.

2214. We have had it in evidence that in a case where a person has neglected the long-continued practice of renewal, and has got therefore only one life left in his lease, you give him an indulgence; but if he has pursued the long-continued practice of renewal, and paid a fine to the Church for putting in two fresh lives, and therefore his lease is complete, if that man goes for an enfranchisement, you say, "You can have no indulgence; you have continued the long-continued practice of renewal, and have filled up your lives by paying to the Church." To the other man you say, "You, on the other hand, have neglected to do this, and have let two lives run out. You are to have an indulgence." Does that appear to you to be quite equitable?—I admit this, that if a man by obstinacy or other cause depending upon himself has absolutely refused to renew, I should be very much inclined not to show him any indulgence; but that is not often the case; it not unfrequently happens that the terms asked may have been unfavourable. Where it is from his own laches, his claim for indulgence becomes very much weaker. I do not attach any merit to a lessee who has renewed has lease and who has put young lives into it; he has gained a considerable benefit to himself by so doing; but I think that a case might be made out for not giving indulgence to the lessee who by his own laches has only one life in his lease.

2215. Sir *J. Graham.*] Is the fact so, that invariably where lives have not been filled up according to custom, and only one life remains, an indulgence is granted?—The rule laid down, or to speak more correctly, the recommendation of the Lords' Committee, I believe has been followed up; namely, that where a lease for life has been found equivalent to a term of less than 21 years, we have allowed to the lessee, in the case of a purchase or sale, the benefit of a supposed renewal for seven years at the usual fine. I do not think that we have ever taken into consideration the laches of the lessee in not putting in new lives. I may be wrong.

2216. Mr.

2216. Mr. *E. Denison.*] Speaking generally, if a lessee comes before you with only one life in his lease, do you not say, "You are in a position now to have this indulgence"?—Presuming the life to be equivalent to a term of less than 21 years, I think so.

2217. Do you in every case inquire into the reasons why there is not more than one life in the lease?—I do not think I should inquire. My impression is, that the practice of the Commissioners is not to inquire. They are very glad to find that there is only one life there. They do not treat it as a demerit.

2218. If consideration is to be had to the long-continued practice of renewal, why, when a lessee comes with his three lives, is he to have no consideration?—We do give him very great consideration. He is a great deal better off than the man who has a 21 years' lease. He has the benefit of the valuation of an enormously long lease; a lease, speaking at hazard, of between 60 and 70 years, perhaps, if his lives are young. He has the benefit of the valuation of it upon the $3\frac{1}{2}$ per cent. table instead of a valuation upon the 5, or $5\frac{1}{2}$, or 6 per cent. table, which would have been all that he would have got had he sold the dry lease.

2219. Is that any favour done by you, or is it not the result of the necessary calculation of the actuary?—It is an advantage arising to the lessee out of the arrangement recommended by the Lords' Committee. Without this he would not have had the power of getting so large a sum for his lease.

2220. But the Legislature have said that some consideration is to be given to the long-continued practice of renewal; do you give that man any consideration for the long-continued practice of renewal?—We give him the consideration of those three, or four or five years' purchase additional, which he gets on being allowed for his lease according to the $3\frac{1}{2}$ per cent. table.

2221. Is it not the fact, that in the case of a man who has only one life, you give him a consideration; but in the case of a man having three lives, you give him no consideration of the same nature?—You are now adverting to the additional term.

2222. Which was contemplated by Parliament?—Yes, by the Committee of the House of Lords; that consideration, or that indulgence (for I do not know any better word), was founded upon the idea that the owners of the short terms did not get nearly so much benefit in this arrangement as the owners of the long terms, although they had the same right to the advantages derivable from the long-continued practice of renewal, for whether the term was short, or whether the term was long, the habit of renewal was the same. As between lessees for terms of years and lessees for lives, they had exactly the same claim derivable from the long practice of renewal, and unless this indulgence had been granted to the lessees for years, they would not have been nearly so well off as the lessees for lives. It is true that by extending that indulgence to lessees for lives in the particular case where the lease has been reduced to only one life, such lessee would get perhaps more indulgence than he was entitled to, inasmuch as he by neglecting to renew, might be almost thought to have abandoned his right of renewal.

2223. Mr. *J. A. Smith.*] In cases of leases for lives, supposing the case to happen which we were discussing on your last examination, where a renewal had not taken place, not from the default of the lessee, but from the refusal of the Church, or the then holder, to renew, in a case of subsequent enfranchisement, should you not extend to him the same favour as you thought others were entitled to, namely, that they should not suffer from that circumstance?—As far as I have ever thought upon the grounds of this indulgence, it appeared to me that it was reasonable, as far as possible, to give all the lessees of the Church the same kind of advantage. This is a rough mode of doing it; it is by no means an accurate mode, but it does justice rather roughly.

2224. It gives a man with three lives no advantage at all?—I know that there is great difficulty in persuading the lessees that this is an advantage conferred upon them. The lessee certainly gains by these arrangements the right of having his term valued upon tables calculated at a much lower rate of interest than those upon which he otherwise would be able to sell it; and that advantage is much greater to him when he has a long term than when he has a short one. When Mr. Smith next appears as a witness he will put before you, I have no doubt, the difference of advantage. I will not extemporise that, because I shall be very likely to be wrong.

2225. Sir *J. Graham.*] A more lax interpretation of the statutable term, "due

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regard being had to the long-continued practice of renewal," has been adopted by the Ecclesiastical Commission without any statutable recognition of that relaxation; it rests only upon their own discretion acting on the Report of the Committee of the House of Lords?—Quite so. I consider myself as acting partly upon that parenthetical sentence which you have quoted, and partly upon the Report of the House of Lords, which met with tacit acquiescence in the House of Commons. It was a somewhat informal authority, but it has been treated by us as giving us instruction how to proceed.

2226. There is no distinct statutable instruction with reference to the interpretation to be put upon those words?—I think not.

2227. The interpretation is open to the discretion of the Commissioners?—I think it is.

2228. Mr. *J. A. Smith.*] Have you any doubt of the meaning of the Legislature in the introduction of those words?—I always believed that the main object, and perhaps the sole object of those words, was to give us the power of dealing in the way that the House of Lords describe. I think it went a little further than that, because it enabled us to take into consideration cases in which the lessee had spent a good deal of money upon the property, and what may properly be called hard cases, and which we have occasionally considered.

2229. Mr. *Wilkinson.*] Is it not thus that the ancient practice of renewal had put the holders of short leases and the holders of long leases in a manner upon a par; and therefore this Act, if it had not been for the mode which you have adopted, would practically have operated as a prejudice upon the holders of short leases?—Yes.

2230. Mr. *J. A. Smith.*] Am I correct in concluding that in the previous answers, in talking of leases for lives, with regard to the indulgence which we have been speaking about, you proposed to extend it to every lease for lives, whether for one life or for three lives, supposing the term to be within the 21 years?—Yes; I do not propose to make any distinction between the one life and the two lives. I think it would be very difficult to go into all the causes which have prevented the renewal of a lease; sometimes it may have been from accident; sometimes the party may not have been able to afford it.

2231. *Chairman.*] Do you consider that it is an obligation on the Commissioners to enfranchise in every case where the lessee asks for an enfranchisement, supposing he has three very young lives in the lease?—I treat it as a moral obligation (I do not think we are bound by the law to do it), with the alternative of offering to purchase his lease.

2232. Sir *J. Graham.*] Have you ever known a refusal either to buy or to sell?—I do not think I have, but I am afraid of saying positively. None occurs to me at the moment.

2233. But as a general rule you have no difficulty in saying that the offer is either to buy or to sell?—It is so.

2234. Without reference to the outstanding term of lives?—Yes.

2235. Mr. *Wilkinson.*] Is there not this difficulty, that the party may come to purchase the reversion, and you ask him a given price; he declines to purchase upon those terms; you say, "Very well, we will purchase the leasehold interest from you upon the same terms;" but then that party may not wish to sell?—Yes, that may occur, and I can easily conceive its occurring; and there is a great difficulty there, which I do not know how to get over.

2236. Mr. *E. Denison.*] Is not that difficulty in some degree diminished by the new regulation which has been established respecting arbitration as to annual value?—It is slightly diminished in that way, but not altogether, because the arbitration is not binding upon either party.

2237. Mr. *J. A. Smith.*] If you got the certificate of a respectable arbitrator as to the full value of the property would not that satisfy you?—I presume that we should act upon the arbitrator's valuation.

2238. Mr. *E. Denison.*] Is it the practice now (I have so understood it in evidence) that upon differences as to annual value, you do not decline to arbitrate?—We should not decline to arbitrate now; but still I was adverting to the other portion of the difficulty to which Mr. Wilkinson alluded; that is a case which does not seem to me to be fully provided for, and I really do not know how it can be fully provided for; for instance, where a lessee's leasehold estate is close to or intermixed with his own property, he may wish to buy the reversion,

but

but he may be very reluctant to sell his lease. The inconvenience is diminished by the arbitration arrangements, but I do not know that it is quite obviated.

2239. As long as you were of opinion, and acted upon that opinion, that you had the power of fixing the total sum to be asked, without dividing it into annual value, and consideration, and so forth, that difficulty was very great, was it not?—Yes, but I do not think it is removed altogether.

2240. Mr. *J. A. Smith.*] Am I to understand from what you have just said, that supposing in case of disputed value there was a reference to arbitration, in no case the Commissioners would refuse to enfranchise?—I can only go so far as this, that, speaking for myself, I should never think of disputing a value settled by arbitration in that manner.

2241. Are there not cases where you refuse to enfranchise positively? In such a case as that would you consent to refer it, as far as value went, to arbitration, taking the price which the arbitrator gave?—I should be prepared to refer those points to arbitration which the statute authorises.

2242. Am I to understand you, that so far as the Commissioners go, it is only a question of price; that they never refuse to enfranchise at a price?—Or to buy. We have always kept that discretion in our own hands, because it may be that the property might be essential to the value of other estates in the Commissioners.

2243. That motive I understand; but with reference to the mere value of the property, do you ever refuse to enfranchise except upon the question of price?—We refuse to enfranchise tithes on other grounds altogether.

2244. I am now talking solely of land. Do you ever refuse to enfranchise except in reference to the question of price, or its local importance to the other Church property in the neighbourhood?—I do not think we do.

2245. Am I right in imagining from the general tenor of your evidence, that in your opinion it would be for the interest of the Church to give a compulsory right of enfranchisement to the lessee?—I do not think it necessary at all. I believe that in a little time all the enfranchisements will have taken place amicably, and if that be possible, I am sure it would be much more desirable than compulsory enfranchisement.

2246. For the pecuniary interests of the Church, would not a compulsory right of enfranchisement on the part of the lessee be desirable?—I do not think it is desirable for the pecuniary interests of the Church to give a compulsory right of enfranchisement to the lessee.

2247. I thought you stated that the pecuniary interest of the Church was very much promoted by the process of enfranchisement?—I am not aware that I said that.

2248. Marquis of *Blandford.*] There would be cases where, as you have just stated, it would not be considered desirable to enfranchise?—Yes.

2249. So that the compulsory right of enfranchisement would interfere very much with those cases?—Yes; I presume, however, that if a compulsory right were granted there would be a considerable number of exceptions with regard to tithes and certain cases.

2250. Lord *R. Cecil.*] You said that it was not the habit of the Commissioners to enfranchise tithes?—It is not the habit of the Commissioners to do so; they have occasionally done so, and they have done so particularly where the owner of the lands has been also lessee of the tithe rentcharge, and has desired that they should be enfranchised.

2251. Then it has been the habit of the Commissioners to enfranchise tithes for the purpose of merger?—We have done that.

2252. Do you regard that as financially a good operation for the Church?—Yes.

2253. Is not a tithe rentcharge a very convenient mode of holding property, it being inexpensive in management, the collection being saved?—Yes; but I think that the arrangements which we have made for selling the tithe rentcharge to the landowner have generally been upon very good pecuniary terms.

2254. You have generally got more than the absolute value of the tithe in consideration of the convenience to the owner?—We have got more than we should get by selling a dry rentcharge.

2255. *Chairman.*] Have those tithe rentcharges ever been sold except to the owners of the fee?—Very seldom indeed, and generally under some very special circumstances.

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2256. Lord *R. Cecil.*] Could the office put in, without any very great labour or extent, a return of the number of tithes which have been sold for the purposes of merger, that is to say, sold to the owners of the estates to which those tithes belong?—I cannot answer that question; Mr. Chalk will tell you.

2257. With reference to a subject upon which you were examined in the early part of your examination you stated, that in your opinion two was a better number for the conduct of business than three?—I think so.

2258. The Estates Committee consists of five?—The Estates Committee now consists of five.

2259. If, therefore, it would be desirable to reduce the Commissioners from three to two, it would be equally desirable, I suppose, to reduce the Estates Committee?—All that I mean to say is, that the mere executive portion of the business would be more conveniently transacted by two than by three. When you come to parts of the business requiring deliberation and discussion, there, no doubt, some advantage arises from a larger number.

2260. Is not the whole of the business of the Estates Committee executive; are not all deliberative functions reserved for the Board?—A great number of subjects are referred to the Estates Committee, on which they report, which decidedly cannot be considered as executive; they are subjects which the Estates Committee discuss, and have to form an opinion about, and to report. In those cases, no doubt, three or five, or even more, may be desirable; but for all mere purposes of selling and purchasing, and executing deeds, and matters of that kind, and ordinary correspondence, I believe two are better than three.

2261. Then all the powers which are conferred upon the Estates Committee by Act of Parliament being those which are executive, they would, in your opinion, be better performed by two?—At this moment I am not sure that all the powers are executive; but as to all those which are executive, I adhere to the statement.

2262. As regards all which consists of the management of the estates?—Yes.

2263. Are not the estates managed by the Estates Committee, in the name of the Ecclesiastical Commissioners?—They are so.

2264. So that the name of the Estates Committee never appears in any act done by them?—I think not, but upon our own books.

2265. Where public officers administer things in which they have no direct interest, is it not one of the great checks, and is it not a most valuable control, that the names of the persons who do each act should be known to the public, so that they should be liable to public censure if they do wrong, and obtain public approbation if they do well?—That is true.

2266. And do you not think that that principle is violated in this case, in which one set of men do things and another set of men bear the responsibility?—I imagine that everybody is aware that the estates are managed by the Estates Committee. I do not think it deceives anybody.

2267. Do you think that everybody out of doors upon the estates themselves is aware of it?—I presume so.

2268. Is it not the general impression that the Ecclesiastical Commission consists mainly of bishops; and is it not the general tendency when anything is done wrong in the management of the estates, to throw it upon the heads of the bishops?—I have never heard that. I think that whatever blame arises is generally thrown upon the Estates Commissioners.

2269. Marquis of *Blandford.*] Probably if a larger amount of property was managed the state of things might become better known?—Yes.

2270. Lord *R. Cecil.*] But abstractedly, without reference to questions of convenience, would it not be more according to sound principle that the names of the persons who do the acts should appear to the public?—I cannot deny that.

2271. If, without injury to other interests, such an arrangement could be effected, would it not be desirable?—Yes; it is the case in the acts of the Church Estates Commissioners.

2272. *Chairman.*] Do the Ecclesiastical Commissioners ever reverse the decision of the Estates Committee?—With regard to the estates, as your Lordship knows, the Ecclesiastical Commissioners have practically no power of interfering with what has been done. With regard to other matters, I should say that in general they adopt the Report of the Estates Committee; not that they are bound to do so.

2273. Sir *J. Graham.*] Do not the Commissioners very frequently refer matters which they might decide themselves in full Board, for convenience, to that Committee?—

mittee?—Very frequently. The Estates Committee composes that part of the great Board which most regularly attends. Therefore, in fact, independently of a formal reference to the Estates Committee, the great bulk of the business would always fall into its hands.

2274. The reference by the full Board is frequent, and the adoption of the Report of the Estates Committee is almost universal?—It is very usual.

2275. Marquis of *Blandford.*] Am I to understand you to make it a positive recommendation, that the Church Estates Commission should in future only consist of two instead of three?—I can hardly venture to put it so high as that; I only inform the Committee that I believe the business would be transacted with greater ease by two Commissioners than by three Commissioners.

2276. In contemplating a considerable increase of property being thrown upon the Commissioners, which will be the case when the transfers of property generally take place, do you still think that that increase of property would not involve the necessity of adding to the number of Commissioners?—I may be altogether wrong about it, but my impression strongly is, that unless the business is divided, two can do a great deal more business than three. If the business is divided, of course that alters the case altogether, if each Commissioner becomes responsible for a particular portion of it; but if each is to be responsible for all, I am perfectly satisfied that it is much more easy to conduct the business by two than by three; and I have observed that in Boards of different kinds to which I have belonged, they have constantly had a tendency to subdivide the business, each member doing a separate portion, and doing it by himself. That has arisen from the very great inconvenience of acting jointly; two can manage it tolerably well without the formalities of a Board, but three cannot.

2277. Do you think that if a large amount of episcopal and capitular property in process of time became vested in the management of the Commissioners, it might be a convenient arrangement to have Commissioners for the express purpose of managing that property, as well as other Commissioners for the express purpose of managing the estates of the Commissioners; so dividing the labour?—I should be afraid then of a different principle of management being adopted by the two Commissions.

2278. Mr. *E. Denison.*] Would not, by the same rule, one do better than two?—Yes, I think so.

2279. Marquis of *Blandford.*] Then you do not contemplate any inconvenience ultimately arising in consequence of a large accession of property?—No; I believe that those who have had much experience in large concerns find that as the business grows larger you can make arrangements for classifying and simplifying it very much, and thus reduce the trouble of it.

2280. Sir *J. Graham.*] But though one might transact business generally better than two, is there not a peculiarity in this business, that one Commissioner is nominated by the Crown and the other by the archbishop?—Quite so.

2281. Representing the Crown on the one hand and the Church on the other; and would you not see great difficulty in arriving at the nomination of one sole Commissioner under those circumstances?—I confine myself in what I have said to the simple consideration of the transaction of business, in saying that one is better than two, and that two are better than three. That does not apply to cases requiring deliberation, nor to cases where there are adverse interests.

2282. But even for executive purposes, though from the great accumulation of landed property the business to be managed should increase, you would still say that it was better to trust to two in the peculiar circumstances of this case than to three?—I think so.

2283. Sir *J. Pakington.*] That opinion, which you have now so frequently expressed in favour of two rather than three, I understand to be founded upon the improbability of difference?—I do not contemplate difference of opinion as likely to occur frequently; it may occur, but I should rarely expect it. Perhaps you will allow me to mention another little piece of experience upon this point. The Chairman was good enough some years ago to place me as a third member upon the Commission for Emigration. There my main duty was understood to be that of deciding when there should be any difference of opinion between the two. There were two other paid Commissioners, and I was added to them for that purpose. I remained there, I think, seven or eight, or ten years, and I do not think that I was ever called upon to act as an arbitrator above four or five times.

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See Question 067.

2284. In those four or five instances might not there have been a serious inconvenience if no arbitrator had existed?—I think not. I do not think that any difference of any consequence took place.*

2285. I apprehend that the case you have alluded to, the action of the Emigration Commission, is not quite a parallel case with the action of the Estates Commissioners under the Ecclesiastical Commission, and I should rather wish to know your opinion whether, in the event of difference occurring in the execution of the duties of the Estates Commissioners, serious inconvenience might not arise in the event of there being only two Commissioners, and those two being of different opinions?—Of course I can imagine a difference of opinion.

2286. Mr. *E. Denison.*] If the Crown and the archbishop could concur in appointing a single Commissioner, would not all that difficulty be overcome?—It would; or if they concurred in appointing two Commissioners there would be very little chance of difference of opinion then.

2287. As I understood you, if the Crown and the archbishop could concur in appointing a single Commissioner, then it would be a most perfect scheme in your view?—I think so.

2288. *Chairman.*] Supposing it were determined to retain three Commissioners, do you think it would be more advisable to retain the present arrangement of having one who is unpaid, and who would only interfere when it was necessary, or to have a third who was paid, and who would take as much business as the other two?—I should very much prefer having a third who was paid, taking the same share of the business as the others. As I mentioned on the former day, unless the third Commissioner is as completely *au fait* in the business as the other two, his interference is very often embarrassing.

2289. Sir *J. Graham.*] To whom would you give the appointment of the third, to the Crown or the archbishop; or would you have their concurrence in the nomination?—I am inclined to think that I should give the appointment to the Crown. I certainly should not give it to the archbishop.

2290. From your experience of the Ecclesiastical Commission, what do you think would be the effect of the appointment of a third paid Commissioner by the Crown, leaving the Church Commissioner nominated by the archbishop in a constant minority of one to two?—That would not alter the case from what it now is; at present the archbishop's Commissioner would be in a constant minority, but in fact we have had no difference of opinion worth mentioning.

2291. There are but two paid Commissioners now?—That is so; but I have always acted as if I were paid, so far as the meetings are concerned.

2292. Sir *J. Pakington.*] Would you see any objection to making it necessary for the Crown and the archbishop to concur in the appointment of the third Commissioner?—No.

2293. Mr. *E. Denison.*] The Act provides that the Crown shall appoint two and the archbishop one?—Yes.

2294. Of whom two only at present are paid. If it should be thought necessary that the third Commissioner should be paid, would you propose to disturb the arrangement of the Act, or do you think that the appointment should be made as it is at present?—I am not prepared to recommend the Act to be altered in that respect at all, although I should not object to the joint appointment.

2295. Sir *J. Graham.*] You, regardless of not being paid, have attended very frequently; but the degree of attendance is ordinarily very different on the part of a paid and an unpaid Commissioner, is it not?—My colleagues, the Church Estates Commissioners, have attended much more than me, but I have generally attended as much as I could.

2296. *Chairman.*] Are you acquainted with the practice of the Tithe Commission, where two Commissioners were appointed by the Crown and one by the archbishop?—Yes. I should like the Committee to get evidence upon that point from some person better acquainted with the facts; but I am inclined to believe that there was a great division of labour between those three Commissioners, and that they did not by any means regularly act together, so that in fact it became very immaterial who appointed them.

2297. Sir *J. Graham.*] Then the evil which you have anticipated of the division amongst three, took place in the Tithe Commission, and the conjoint labour of two was wanting?—I think so, but I merely speak from hearsay, for I am not thoroughly acquainted with it.

2298. *Chairman.*] Are you not aware that when any question of principle was involved,

involved, long discussions took place among the Commissioners?—I am not aware of it; it is very possible. *J. G. S. Lefevre, Esq., C.B.*

2299. Lord *R. Cecil.*] Will you direct the secretary to give in the following return: the cases in which tithes or portions of tithes have been sold by the Commissioners to the owners of the property from which those tithes are drawn; the amount of the rentcharge in each case, and the purchase-money paid?—I have no doubt Mr. Chalk will do so. 15 April 1856.

2300. Sir *J. Graham.*] The Estates Committee, as now constituted by law, consists of five, does it not?—Yes.

2301. And of those five three are appointed by episcopal authority; the majority?—Yes. Of those three one is directly appointed by the archbishop; the other two are appointed by the Commission at large, of which the majority are episcopal; therefore, in that sense, they have an episcopal colour.

2302. *Chairman.*] One must be a layman?—One must be a layman; that again rather complicates the consideration, because, of the laymen, the most are appointed by the Crown.

2303. Sir *J. Graham.*] Three derive their authority from a body in which episcopacy has the majority?—Yes. Perhaps it would be more correct to say one absolutely from the archbishop, the others from a body in which episcopal authority predominates.

2304. *Chairman.*] Do you wish to make any observations before your evidence is closed?—There is one point which I wish to notice. Mr. Mowbray put a question to me about the revival of suspended canonries, which startled me a good deal, for I thought, that in the various arrangements which we had made with capitular bodies we had not contemplated the revival of these suspended canonries. In answer to Question 1950 I observed, "I cannot help saying that the arrangements, with regard to Chester, and York, and Peterborough, have been proceeded with as if there was no chance of a revival of those canonries. I think that is the case; I can hardly say what would be done if it was found necessary to revive the canonries." I had forgotten at the moment that canonries are only revived when some special endowment is provided *aliunde*; so that the difficulty which startled me at that moment did not really exist. The only other matter which I have occasion to mention is, that I think I exaggerated the amount of landed property which would be necessary for the endowment of the bishops and the chapters; I stated, quite at hazard, 300,000 *l.* a year; it would not be anything like that if there were a certain portion of rentcharge and ground-rent paid; it is not material.

2305. Can you state how much it would amount to?—No; it is a mere conjecture; it would be a great deal less than that.

James Jell Chalk, Esq., called in; and further Examined.

2306. Mr. *E. Denison.*] HAS a memorial from the vicar and churchwarden in the parish of Norwell been received?—Can you inform me how long it is since? *J. J. Chalk, Esq.*

2307. Within the last 10 days?—It has been received.

2308. Will you be so good as to bring it to the Committee, that the Committee may see it; I do not wish to have it printed, but merely to have it produced at the next meeting in its written form?—Yes, it shall be produced.

Benjamin Richard Aston, Esq., called in; and Examined.

2309. *Chairman.*] ARE you the Accountant of the Ecclesiastical Commission, and also of the Church Estates Commission?—I am. *B. R. Aston, Esq.*

2310. Are the assets of those two Commissions kept entirely separate?—Entirely so.

2311. Do the assets of the Ecclesiastical Commission constitute what is called the common fund?—They do.

2312. Of what do the assets of the Church Estates Commission consist?—Of the proceeds of transactions effected by ecclesiastical corporations under the Enfranchisement Acts, which are placed in the care of the Church Estates Commissioners pending the re-investment of such portion of them as are required to provide the income heretofore derived from the properties dealt with.

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2313. How are those assets dealt with?—It is provided by the Enfranchisement Acts that the surplus arising from these transactions shall be paid over to the common fund of the Ecclesiastical Commission.

2314. Has any such surplus been paid over?—£.300,000 has been paid over on account of such surplus.

2315. Why has that particular sum been paid over?—I have nothing to do with the reasons why that sum has been paid over. I have been directed by the Board to pay it over, and have done so. Mr. Goulburn took charge generally of financial principles, and looked very closely into financial details, and I have no doubt but that the secretary or Mr. Smith can explain the reasons why the Board directed me to pay over that particular sum.

2316. Where were these assets before they were paid over to the common fund?—To the credit of the Church Estates Commissioners.

2317. At the Bank of England?—At the Bank of England.

2318. What is your particular business as accountant?—I am responsible for conducting the detailed payments, and for keeping the whole of the accounts.

2319. Do you receive the payments which are made on account of enfranchisement?—The purchase-moneys are paid for the most part directly to the credit of the Commissioners at the Bank of England, by the parties enfranchising.

2320. Do you receive from the Bank of England an account of the sums which are paid in?—Yes.

2321. Have you anything to do with estimating the sums that ought to be paid in cases of enfranchisement?—The solicitor's reports as to the completion of sales are referred to the accountant, as the chief of the finance department, to be checked, with reference to the accuracy of the amount of purchase-money, and the computation of interest, and with reference also to the deduction of income-tax from the interest.

2322. In what manner is the arrangement made before it comes into the hands of the accountant?—The Board refer to the surveyors, and the surveyors report the purchase-moneys which should be required in each case, or which should be agreed to be accepted.

2323. Is there no money placed in your hands?—Nothing beyond the sum of 300 *l.*, from time to time, on account of the official incidentals; after the balance is reduced to 100 *l.*, 300 *l.* is issued.

2324. Sir *J. Graham.*] Who have the power of operating on the account by draft?—With respect to the Ecclesiastical Commission account, one of the treasurers, either Lord Chichester or Mr. Walpole, with the counter-signature of the accountant, or a gentleman in the accountant's department. With reference to the Church Estates Commission, by two of the three Church Estates Commissioners, and with the same counter-signature.

2325. No single signature is operative in drawing upon the bank account?—Certainly not.

2326. In neither case?—In neither case.

2327. In one case two signatures are necessary, and in the other, three?—Precisely so.

2328. Mr. *Mowbray.*] How have these sums, which make up the 300,000 *l.*, been transferred to the account of the Ecclesiastical Commissioners from the account of the Church Estates Commissioners?—Two by draft; and in the third case an amount of stock equivalent to 100,000 *l.*, as the money was not required immediately.

2329. Both accounts being kept at the Bank of England?—Yes.

2330. Do you know the 6th section of the 17th & 18th of Victoria, chapter 116, the last Enfranchisement Act?—I am acquainted with that section.

2331. Are you acquainted with that portion of it which requires the Commissioners "to apportion every sum of money paid into the Bank of England under the provisions of the recited Act or of this Act, so as to set apart for the permanent endowment of such corporation, sole or aggregate, a share of such sum of money sufficient to secure to such corporation a permanent net income equal to that which, if the said Act, or this Act, had not been passed, would have been received by such corporation from the property, by the enfranchisement whereof such money was produced"?—I am.

2332. Are you aware whether that has been done previously to paying over these sums which makes the 300,000 *l.*?—It would, perhaps, be more satisfactory that Mr. Smith should answer the question. It has been done to a considerable extent,

extent, but as the arrangements have been so completely made at his suggestion, I think that he would be able better than myself to elucidate the subject to the Committee.

2333. Sir *J. Pakington.*] Has not a considerable proportion of that 300,000*l.* which you have mentioned been paid back to the Bounty Board to repay the money borrowed from that Board?—No, it has merged generally in the common fund of the Commissioners.

2334. *Chairman.*] Have any payments been made to the Bounty Board in repayment of the sum borrowed?—Not on account of principal; the interest has been regularly paid.

2335. Mr. *Mowbray.*] You are still indebted to the Bounty Board 600,000*l.*?—That is so.

2336. The Bounty Board have received 18,000*l.* a year, but have received no part of the principal?—Precisely so.

2337. Am I to understand that you as the accountant can give the Committee no information as to the apportionment of these sums?—On the contrary, I could state with respect to the chapters precisely the amounts upon which the chapters have received their dividends.

2338. The chapters have received their dividends, but has the principal sum been apportioned to them in respect of which they have received their dividends?—It has necessarily.

2339. How has that principal sum been set apart?—By having reference to the whole amount of stock produced by the investment of the whole purchase-money, and then calculating the proportion of stock which the sum apportioned to the corporation would indicate.

2340. To go back to the last year, for instance, 100,000 *l.* was paid over to the common fund, and that was the surplus in respect of how many transactions?—I understand the 300,000 *l.* which has been paid over to be a payment on account, without reference to precise figures; but Mr. Smith would be better able to explain.

2341. Mr. Smith is not the financial representative of the Commissioners, is he?—Mr. Smith advises with reference to these transactions.

2342. Then I understand that you refer to Mr. Smith for details as to the apportionment of these sums?—If you please.

2343. Mr. *E. Denison.*] In the event of the purchase of the reversion by a lessee being completed and the money paid, into whose hands is that money commonly paid?—It is paid direct to the credit of the Commissioners at the Bank of England by the parties enfranchising.

2344. Do you mean that that is the invariable rule?—The almost invariable rule. There are some cases in which the treasurers receive the money at the office.

2345. Sir *J. Graham.*] Do you receive money?—No, except as already mentioned.

2346. And you never receive above 300 *l.*, you say?—No.

2347. Mr. *E. Denison.*] Is it not the case, that on the completion of a transaction the money is paid occasionally to the solicitor in his office?—It is not within my cognizance that such is the fact.

2348. Sir *J. Graham.*] Is not there a rule of the Commission with respect both to the receipt of money and the payment of money?—The receipts branch into two classes; items of revenue, which are invariably paid direct to the Bank of England, and purchase-moneys. The general practice as to purchase-moneys is for the parties themselves to make the payments at the Bank of England.

2349. Is there no written rule with regard to the payment of money and the receipt of money; you have mentioned the rule with regard to payment, that it is by draft, signed as you have mentioned; is there not a corresponding rule regarding receipt?—It sometimes happens that purchasers object to make a previous payment before obtaining the title-deeds, and in such cases, which are remarkably few, the parties attend upon board days and tender the money to the treasurers, they handing it to the clerks from the Bank of England, who attend daily at the office.

2350. Who are the treasurers?—The Earl of Chichester and Mr. Walpole.

2351. Then in cases where deposits or portions of the money are paid at the office at Whitehall, who are the only persons who receive the money?—The treasurers.

2352. The treasurers only?—Yes.

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2353. Mr. *E. Denison.*] What changes have been made in the financial system of the Commission since the defalcation of Mr. Murray?—Precisely the change that has been indicated, that no money passes through the hands (with the exception which I have named) of any of the officers of the Board, except the treasurers'.

2354. *Chairman.*] Two of the Commissioners have become since that time treasurers?—They have, and have so acted.

2355. Sir *J. Graham.*] Neither the secretary nor the accountant, nor any other officer, receives money since the transaction to which allusion has been made in the former question?—Precisely so.

2356. And as a general rule, all payments are made directly to the credit of the Commission at the Bank of England?—That is so.

2357. And when moneys are received by the treasurers, there is a clerk of the Bank of England in attendance?—Two clerks attend daily, at three o'clock.

2358. To whom the treasurers make an immediate transfer?—Precisely so.

Vide Appendix. page 287.

2359. Lord *R. Cecil.*] Did you draw this summary of the receipts and payments from August 1836 to November 1855?—It was prepared in the department.

2360. Why do you add up the receipts and payments, and make one sum of them?—The idea was, I believe, to give a true impression of the aggregate operations represented.

2361. Then, if you receive 1,000 *l.* and give it away, that is an operation on 2,000 *l.*?—Yes; it of course involves a double operation.

2362. You would say that a man whose business it was to draw a cheque for 300 *l.*, and disburse that 300 *l.*, was engaged in the management of 600 *l.*?—I should say that the receipt of 300 *l.* in a certain channel, and the disbursement of it in another channel, would represent operations to the extent of 600 *l.*

2363. When you speak of a person managing money, you always imply that he must receive it in some way or another, as well as pay it?—Yes.

2364. Therefore there is nothing peculiar in the fact, that the Commissioners have not only paid, but have also received three millions; they could not have paid it without having received it?—Exactly so.

2365. Therefore in stating the amount of money on which they have operated, it was not necessary to state that they had received all that they had paid?—It was deemed a convenient form in which to present the account, as affording, in fact, a more comprehensive view of the aggregate amount of receipts and payments.

2366. Sir *J. Graham.*] Have you your books here?—They could readily be procured.

2367. How do you keep your accounts; by double entry?—By double entry; and Mr. Anderson, the late deputy-paymaster, and the present financial clerk of the Treasury, has been carefully through the books, and has fully approved of them; in fact his own system has been adopted to a considerable extent in keeping the accounts.

2368. When you say "to a considerable extent," is there any departure from the principle of double entry?—Not any.

2369. Then the accounts are kept on the purest principles of double entry, and in a form approved by Mr. Anderson?—Precisely so.

2370. Mr. *Mowbray.*] Does your summary of receipts and payments include the sum of 300,000 *l.*, of which we spoke just now, as received from the Church Estates Commissioners?—It would include 200,000 *l.*; it would not include the cash value of the stock.

2371. Does it include the sum of 600,000 *l.*, or the stock which is equivalent to the sum of 600,000 *l.*, received from Queen Anne's Bounty?—It includes so much of the sum of 600,000 *l.* borrowed of Queen Anne's Bounty as has been converted into cash by sales.

2372. Do you know how much of the 600,000 *l.* has not been converted into cash by sales?—The accounts of the Commissioners would develop the precise present amount of reduced stock standing to their credit.

2373. Would it be the remainder of the 600,000 *l.*?—Other amounts of stock have become blended with the 600,000 *l.* so transferred.

2374. Allow me to call your attention to Answer 510, given by Mr. Chalk. Mr. Chalk describes the 600,000 *l.* stock there as having formed part of the common fund, which was all kept as one fund?—That is precisely so; all that I meant to intimate was, that the 600,000 *l.* was specifically entered at the time it was borrowed from the Bounty Board.

2375. Then

2375. Then it would not be correct to say that any proportion of the 600,000*l.* is now remaining. There is a balance in the hands of the Commissioners, but that balance is not formed of that 600,000*l.*?—Probably not. I think that is the more correct view.

2376. By this summary it appears that the receipts (which I am told are cash receipts) have been 3,716,259*l.* odd, while the payments have been 3,394,584*l.* odd, leaving the sum of 321,675*l.* odd. Where is that sum of 321,675*l.*?—The balance which would result upon those figures was to the credit of the Commissioners at the Bank of England on the 31st of October of last year.

2377. Was it there as a cash balance or invested?—As a cash balance. The largeness of the sum could be explained, but I do not make it so much as you have stated; it was nearer 100,000*l.*; I quote from memory.

2378. These figures are right, I believe; you will see if they are wrong?—The amount of cash to the credit of the Commissioners was the amount stated in their recent Report to Parliament.

2379. How does the actual state of the accounts correspond with this document; this document exhibits a balance of 321,675*l.*?—I should be happy to have an opportunity of comparing the statement to which you are drawing my attention with the draft which is in the office. It occurs to me that the charges of management should be deducted. If you deduct the charges of management you will find the figures coincident; that item should be included in the payments to enable the account to be treated in the way which you suggest.

2380. With reference to Question 512, and the answer given by Mr. Chalk, is the amount of stock now belonging to the Commissioners the same as is there described, Three per cent. Consolidated, 189,000*l.*; Three per cent. Reduced, 44,000*l.*?—Consols, 189,377*l.* 2*s.*; Reduced, 44,222*l.* 1*s.* 3*d.*

2381. New Three per Cents, 173*l.*; Exchequer Bills, 17,000*l.*?—New Three per Cents., 173*l.* 7*s.* 7*d.*; Exchequer Bills, 17,400*l.*

2382. Mortgages, 3,800*l.*?—£. 3,830.

2383. What do you estimate the value of that stock at?—If it were necessary to affix a value at any particular time, I apprehend that you would take the average price of stock on the day.

2384. Do you know anything of the accounts of the Church Estates Commissioners?—I do.

2385. We have no return, have we, of the state of their accounts?—Not any except a return of costs incurred to a certain period.

2386. A Return moved for last Session?—Yes.

2387. Can you, as the accountant of the Church Estates Commissioners, state what is the balance now in their hands?—Yes. Will you have it on the 31st of October last, or later.

2388. Made up to the same period as we have the accounts of the Ecclesiastical Commissioners?—On the 31st of October 1855 there was an amount of cash at the Bank of England to the credit of the Church Estates Commissioners of 3,561*l.* 6*s.* 8*d.*; and there was an amount of Three per cent. Consols then standing in their names of 298,679*l.* 0*s.* 9*d.*

2389. To whom does that stock of 298,000*l.* odd belong; was it paid to them in respect of enfranchisement?—That was the resulting balance after the transfer of the 300,000*l.* to the common fund, and after certain arrangements had been effected with reference to the corporations interested.

2390. In respect of those arrangements, you think that Mr. Smith will inform the Committee?—I think that he can more fully do so than myself.

2391. Do those sums which have now been mentioned, the cash balauce, and the amounts of stock belonging to the Ecclesiastical Commissioners, and also the cash balance and stock belonging to the Church Estates Commissioners, comprise all the assets now belonging to the Ecclesiastical Commissioners and the Church Estates Commissioners?—All the cash assets.

2392. What other assets are there?—Estates.

2393. But independently of the estates, there are no other assets?—No other assets.

Veneris, 18° *die Aprilis*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir John Pakington.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. George Butt.
Mr. Ingham.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Edmund James Smith, Esq., called in; and further Examined.

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2394. *Chairman.*] YOU were present when Mr. Aston referred to you as the proper person to explain relative to the assets in the hands of the Church Estates Commissioners?—I was.

2395. In what way are the proceeds of sales by the ecclesiastical corporations dealt with?—They are paid to the account of the Church Estates Commissioners at the Bank of England.

2396. How are the interests of the members of the chapters protected?—In the interval between the first and the second Act, the sums agreed to be paid were all divided by agreement with the chapters, except in the case of the Dean and Chapter of Durham. In that case the chapter said that the Act gave no power to effect a division of the capital sums, and that only the income was to be so divided. After the passing of the second Act, there could be no uncertainty on that subject, and the whole of the 38 cases of which the terms had been agreed up to that time, were gone into, and the interest of the chapter in them was ascertained and settled. I hold in my hand the correspondence with the agent of the dean and chapter, acquiescing wholly in the terms which were so settled, and the chapter have received ever since the agreed sum.

2397. Will you state the amount?—Up to that time it was the income of an estate which they had purchased, and an annual sum of 800 *l.*

2398. What was the sum besides the 800 *l.*?—There was 800 *l.* per annum, and the income of an estate which they had purchased, which was something upwards of 300 *l.* a year; the exact sum is set out in the correspondence which I hold in my hand.

2399. It is stated in Mr. Aston's evidence, that about 300,000 *l.* stood, on the 31st of October last, in the names of the Church Estates Commissioners at the Bank of England; how much of that sum belonged to the chapters?—£. 73,704. I have in my hand a statement of the sum which each chapter had, which I am prepared to hand in.

2400. Mr. *Mowbray.*] When were the Dean and Chapter of Durham first informed that they were entitled to the sum of 800 *l.* per annum out of the assets in the hands of the Church Estates Commissioners?—Soon after the passing of the second Act, which enabled the division to be made, and in truth, as to some of it, actually before the cases had been settled: they had been agreed: but as to some three or four, they were only in course of settlement at the time the chapter were so informed.

2401. Did the letter which conveyed the information that they were entitled to 800 *l.* a year, give them any information as to the principal sum in respect of which they were to receive that 800 *l.*; what that principal sum was?—No; I do not apprehend that it did.

2402. When did they first learn what the principal sum was to which they were entitled?—I do not think that they have ever asked the principal sum up to this time.

2403. Then

2403. Then up to this time they have never been informed as to what the principal sum is which belongs to the Dean and Chapter of Durham out of the assets in the hands of the Church Estates Commissioners?—I do not think they have ever been informed, because they have not asked, but they have been informed that the 800 *l.* per annum was the produce of such a sum in Consols as was equal to it, and therefore it was very easy for them to estimate it themselves.

2404. Mr. *G. Butt.*] It was a mere matter of calculation?—Yes.

2405. Mr. *Mowbray.*] They have no document in their possession, showing the sum in Consols standing in the name of the Church Estates Commissioners, which specifically belongs to the Dean and Chapter of Durham, except as a matter of calculation?—Except as a matter of calculation. But if it had been asked they would have had an answer, that such a sum in Consols as was sufficient to produce the 800 *l.* per annum was standing in their name in the accounts of the Church Estates Commissioners.

2406. The sixth section of the 17th & 18th of Victoria, chapter 116, required you to set apart for a permanent endowment "a share of such sum of money sufficient to secure to such corporation a permanent net income equal to that which, if the Act had not been passed, would have been received by the corporation from the property enfranchised"?—It is so.

2407. Do you not think that it would have been a more proper compliance with that Act of Parliament that a specific capital sum should have been set apart, and that the chapter should have been informed of that sum being set apart?—On the contrary, the communications which I hold in my hand show that the chapter were perfectly satisfied with the communication which they received. If they had anything else to ask, it was as easy for the chapter to ask it as to ask on other subjects respecting which they asked at the same time.

2408. Mr. Lefevre has said that it does not appear in the accounts what sums were apportioned to the several corporations, and that the Reports of the Church Estates Commissioners do not contain that information. That is the case, I believe. I call your attention to Questions 2037, 2038, and 2039, and the answers to them?—Then I must ask you to be good enough to open at the previous Question, 2036, in answer to which you will find that Mr. Lefevre states that the sums have been duly apportioned on each occasion.

2409. I believe they have been duly apportioned by the actuary of the Church Estates Commissioners?—Yes.

2410. And the chapters have acquiesced in such apportionment?—Always in each case.

2411. They have not been parties before the apportionment, but they have acquiesced in the apportionment made by your actuary?—That is so.

2412. Have they been informed in respect of each particular transaction, what was the apportionment made?—Certainly.

2413. Do you not think it desirable that the Reports of the Church Estates Commissioners should contain the information which it is represented has been given to the chapters of the sums apportioned to them?—I do not see any objection to their containing the information; but I am certain that such information cannot be of the smallest possible service; on the part of the Commissioners there could be no objection whatever.

2414. Do you conceive that it would be of no possible service to a corporation that, whereas it appears by the evidence given here that the Church Estates Commissioners had a sum of 298,000 *l.* odd standing to their account, and it does not appear by their accounts that any portion of that sum belonged to these corporations, there should be a separate account, showing that such a portion of that 298,000 *l.*, as might be from time to time the case, for instance, 73,704 *l.* belonged to the various corporations, and what amount belonged specifically to the particular corporation?—No, because it is changing every day. It might happen that the Return would be true on the 1st of April, and on the 2d of April, perhaps, the whole 73,000 *l.*, in our hands on behalf of the chapters, would be reinvested by them in permanent estate.

2415. But the next year's Report would exhibit the changes which had taken place?—Perhaps it would exhibit that they had not anything. I am unable to see to whom any such information could be of the smallest possible use. If you ask it on behalf of the chapters, it is an answer that each chapter knows that they

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have a certain sum. There is the case of a chapter which has 100 *l.* I apprehend that it would be amply satisfied with the security if it heard that there was 300,000 *l.* in the Church Estates Commissioners' hands.

2416. Is there any particular form of letter by which the chapters are informed of the completion of each transaction, that a sum has been apportioned to their account?—It cannot always use exactly the same terms, but a communication stating it, is always sent, and if the chapter who receive it had a shadow of uncertainty upon the subject I do not think that any of them would have any hesitation in asking the question.

2417. Do I rightly understand you to assert, that in every case of sale or purchase in enfranchisement under these Acts, there is an account transmitted to each corporation of the specific sum to which they are entitled in respect of that sale or purchase?—With the exception, which I stated in the first instance, of the chapter which you are acting for, that has been the case; and in the case of your own chapter it has not been so, in consequence of the express desire of the chapter themselves, as shown in this correspondence; and I confess that I should prefer, if there is not any objection, to have that correspondence put in. You only ask exactly the point upon which you desire to obtain information, whereas, if you had all the correspondence in, it would answer the whole subject itself.

2418. Mr. *G. Butt.*] I understand you to say that in all cases, except that of one chapter, the account referred to, stating the sales which have been made, has been rendered, and that in the case of Durham it has not been so rendered, because they themselves did not require it?—It has not been sent in the particular shape, but it has been sent in a certain other shape, at the desire of the chapter.

2419. In that case also?—In that case also.

2420. Mr. *Mowbray.*] In what shape has it been sent?—The correspondence with the chapter is here; and if you desire to have the truth, the shortest way of doing it is, to have the fact before you in print.

2421. Do you not think that in order to ensure accuracy and regularity in these accounts, some form should be adopted for informing each chapter of the termination of each particular transaction, be it sale or purchase, and the result of that transaction?—Every chapter up to this time has had the information given them, I think, on every case. There is an exceptional case which occurred only two or three days ago, and perhaps there have been two or three exceptional cases. As a principle, it is always done. And in the exceptional cases it was owing to a peculiar cause, and it will be sent in two or three days to the chapter.

2422. Still I understand you to say that there has been no uniform mode of communicating the information to the chapter?—I say that it has not always been sent, I suppose, in precisely the same terms, but the same information has always been sent, so that the chapter were unable to make any mistake as to its interpretation.

2423. Do you not think it desirable that there should be a form of this kind: that at the completion of each transaction the chapter should be informed, that in respect of such an estate the Church Estates Commissioners have received, say the sum of 500 *l.*; that a portion of that sum, for instance, 350 *l.*, has been invested this day in the Three per Cent. Consols to the amount of so-and-so, according to the price of the day, yielding an income of so-and-so, which has been set apart for the permanent endowment of the chapter, or whatever the corporation may be, and that the residue, amounting to 150 *l.*, has been transferred by the Church Estates Commissioners to the common fund of the Ecclesiastical Commissioners?—I do not think you have anything to do with the second part of the sentence, namely, that the residue of 150 *l.* has been transferred. If you are satisfied that the sum which you receive is equal to your previous interest, I do not think that you have anything to do with the residue.

2424. The residue is a matter of account; but is it not desirable, and in fact as a matter of right, are not the chapters entitled to have such information communicated to them, and, in order to ensure regularity, communicated in a regular and uniform way to all chapters?—It always has, I say, been communicated to all chapters on each occasion; and I am by no means sure that the Commissioners have not always used exactly the same terms. I do not understand your object, I confess. Mr. Aston has answered all that I have been asked.

2425. Do

2425. Do you not think it desirable that in any renewal of the Act of 1854, provision should be made that the return made by the Church Estates Commissioners to Parliament, should state specially what several sums at the date of the return belonged to the several corporations?—I do not see any harm in it, but I do not see that it will be of the slightest use.

2426. Marquis of *Blandford.*] I believe it has been given in evidence, that the remuneration of Messrs. Pickering & Smith for the management of the estates is 4 per cent. on the rental?—That is so.

2427. Does that include your continual attendances at every Board meeting?—Yes.

2428. Are those attendances very frequent?—I have been at all the meetings which have occurred in the past five years, 200.

2429. Do they fill up a great portion of your time?—Of course. It includes everything of that kind in any shape or form.

The Rev. Lord *John Thynne*; Examined.

2430. *Chairman.*] What position do you hold in the Chapter of Westminster?—Canon of Westminster; acting sub-dean at present.

2431. Have you anything which you wish to state respecting your evidence?—You were kind enough to reply to my letter, requesting to know upon what point my evidence was to be given. You replied, that it was with regard to the capacity and fitness of capitular bodies to manage their estates. It is difficult for a person to speak of his own qualifications, and of course that could be of only one individual. I would, therefore, earnestly press upon the Committee the importance of having the evidence of some one surveyor who is connected with more chapters than one. Upon that point I would ask, as the favour, that they would receive the evidence of Mr. Hunt, who is surveyor to the Dean and Chapter of Canterbury, the Dean and Chapter of St. Paul's, the Dean and Chapter of Westminster, the Archbishop of Canterbury, and the Bishop of London.

2432. How far do you take part in the management of any property belonging to the Dean and Chapter of Westminster?—I have always taken part in it for 24 years.

2433. Since you have held the office of sub-dean, have you had to take a greater part in it than you did before?—I took the greater part of the management of the business during the latter years of Dean Ireland; I may say wholly, referring to him occasionally when it was required, and also subsequently, during the illness of Dean Buckland.

2434. What is the nature of the property which has been held during that time by the dean and chapter?—Landed property in different parts of England, and metropolitan property.

2435. Has a considerable part of it consisted of leases for lives?—A small portion, comparatively.

2436. How great a portion has consisted of landed property at rackrent?—A very small portion, comparatively.

2437. What has the great portion consisted of?—Of leases for 21 years, renewable every seven; and of leases for 40 years, renewable every 14.

2438. What has been the mode of conducting the business; has it been at meetings of the chapter, or has it been conducted by members of the chapter with the surveyor and agents, not at meetings of the chapter?—It has been conducted in the same manner in which I imagine any gentleman conducts his own affairs; he has his agents, and communicates with them, and he determines what the rent shall be, what the fine shall be, and what the terms of the lease shall be.

2439. Have these questions been determined generally at meetings of the chapter?—Invariably.

2440. What has been the attendance of members of the chapter usually, before the Act of 1840 and since?—You speak of Westminster alone?

2441. Of Westminster alone?—By the statute half the number of members of chapter must be present besides the dean, and since the reduction of the numbers by Royal letter (the Queen being visitor), where the number is uneven there must be

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be the smaller half of the uneven number; for instance, of nine, four would constitute the chapter together with the dean; of seven, three.

2442. To what number is the chapter to be reduced?—To six.

2443. Six besides the dean?—Yes.

2444. How many will then be required to attend?—The dean and three; I do not mean that that is the number who do attend, because, generally, a larger proportion attend.

2445. What is the proportion that has usually attended?—I should say, upon any important business, all attend, excepting one or two.

2446. Have they been prevented by illness or infirmity from attending?—The Bishop of Gloucester seldom attends; distance from London prevents another attending, excepting occasionally.

2447. In future it will not be possible for a bishop to hold a canonry together with his bishopric?—It will not be hereafter.

2448. The fines are paid upon renewals of seven years?—Yes, in country leases.

2449. Have those fines been calculated by any actuary consulted by the chapter?—They are set upon a regular principle.

2450. Is there any one person whom the chapter has consulted to settle the principle upon which those fines should be taken?—Long practice has established the custom; there is a reference always to tables. It is quite unnecessary to consult an actuary upon every calculation. If the leases are renewed regularly every seven years the matter is simple. If a greater number of years have elapsed they turn to certain tables of an actuary to regulate the value of renewal.

2451. Supposing the lessee to accept the terms of the dean and chapter, is the lease uniformly renewed?—Yes. We rarely, I may say, almost never, depart from our valuations and regulations.

2452. Then it has been customary in those cases where there are leases for 21 years always to renew at the end of seven?—Yes, if the lessee is willing to do so, and to accept the terms.

2453. The terms are never varied?—Very rarely, unless some particular reason can be assigned.

2454. Supposing the chapter wished to have a particular property in their own hands for some reason connected with the nature of that property, what course would they take?—They frequently do that. We except a portion. We are now excepting from a lease on renewal a portion which we desire to make glebe for the clergyman to build a house upon, and the lessee has been told that unless that is surrendered immediately we shall not renew. He has hesitated to do so, and we have compelled him to accept those terms. We have deducted, of course, the value of that land from the renewal fine, and have, in fact, paid him for the value of that land in order to grant it to the incumbent for the site of a house, and for glebe land.

2455. Is there any house property, either in the metropolis or elsewhere, belonging to the chapter?—Considerable.

2456. In what way are the leases of that property managed?—They are granted for 40 years, renewable every 14.

2457. Do you suppose that the full value of the property is obtained in that way by the chapter?—I am confident it is; for that reason I wish you to examine Mr. Hunt.

2458. Do you see any inconvenience in the present mode of managing the property by the dean and chapter?—Far from it.

2459. With respect to the disposal of the income when it is received, have you certain rules with regard to the disposal of that income?—We at Westminster have our first charges for the maintenance of the collegiate establishment; then we consider those claims which arise for ecclesiastical objects, where the property is situated, not confining ourselves to the leases that are then renewed; that is to say, not delaying to grant towards the building of a church upon a property in a parish until a particular lease is renewed, but taking from the renewal fines so much (whether they come from that quarter or not) to make a grant towards the building of a school, or of a church, and then when all the charges are met, the remainder is divided into 15 parts; one part is taken invariably for the fabric, the remaining 14 parts are divided thus: to the dean two parts, and to the

12 canons each a part. Those parts which would have been assigned to the suspended canonries are paid to the Ecclesiastical Commissioners, together with such portions of the deanery and of the stalls as have been filled up since the passing of the 3d & 4th of Victoria.

2460. Do you give an account of the disposal of these sums to the Ecclesiastical Commissioners?—They have regular accounts from us annually.

2461. Do they ever make any observations on any part of the expenditure with regard to a church, or a glebe land, or a school, for instance?—No; we have come to a concordat with them as to the objects to which we shall contribute; that was made in 1851 or 1852; I will not charge myself with the exact expression of the sentence, but it was in effect that the expenditure was to be limited to ecclesiastical and spiritual objects arising out of the demands upon the dean and chapter, as landlords of their property, and such other purposes as were demanded or expected from them as a cathedral church.

2462. Has there ever been any difference of opinion between the Commissioners and the dean and chapter since that time, as to the application of particular sums?—No; they have inquired, when they have had the accounts, what the reason of a particular expenditure was; but in all cases hitherto, it has been perfectly satisfactory, and when I have thought that a case did not exactly come within the limits, or that there were peculiar reasons why a question might arise afterwards when the item appeared in the accounts, I have gone to the Ecclesiastical Commissioners to consult with them as to whether they were a consenting party to a donation of such a description; we have had no difference upon the subject.

2463. Have there been any donations for repairs or alterations in Westminster School?—There were expenses when Dean Buckland first came into office; there was a donation from the chapter; there were funds contributed by the Queen, and by a great number of old Westminsters, and there was then a deficit which is reimbursed gradually by the boys at the rate of 5 *l.* a year from each Queen's scholar for the increased accommodation given to him. I was not aware that I should be required to go into the matter, or I would have made myself acquainted with it. It all passed with the approval of Sir Robert Peel and Sir James Graham, at the time when one was Prime Minister and the other Secretary of State for the Home Department, and a general reformation of the accommodation of the school was made.

2464. It was a donation on the part of the dean and chapter?—Yes. I should say that all the school repairs are done by the dean and chapter for the school.

2465. The general direction of the school is in the hands of the dean and chapter?—Entirely in such respect.

2466. And in communication with the Home Secretary, or with some person representing the Crown?—It was so then, because we wished to depart from several ancient customs that were very unpalatable to parents, and to give the scholars additional studies and a sanatorium, and comforts which they had not been used to before, and we were applicants for the visitors' aid and authority.

2467. With respect to the management of the property, have the Ecclesiastical Commissioners or the Church Estates Committee made any observations with regard to the practice of taking fines upon the renewal of leases?—I am not aware of any.

2468. You have never objected to any observations made by them with respect to taking fines upon leases?—We take the fines on the leases.

2469. With regard to that mode of management of the property, have they ever made any observations?—No.

2470. What is the total income of the dean and chapter?—It varies, of course. I think the return made to the Cathedral Commissioners was somewhere about 30,000 *l.* a year.

2471. Have the dean and chapter at present any improvements of their property in contemplation?—They are continually making improvements upon their property as opportunity offers. I may mention one. The late Sir William Molesworth asked what we were prepared to do with regard to the property on the right-hand side after you pass Hyde Park Corner going to Albert Gate, as he considered that it was very unsightly, and that it was very desirable that the immediate vicinity of the Park should be improved. We immediately promised

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him that at the next renewal of that lease that portion should be excepted. It was in trust. The parties were for two years unwilling to take the lease, because we excepted that portion. Had any member of the chapter died in that time, of course he would have lost his portion of revenue; therefore each member was in immediate apprehension (if those things affected him very seriously) of losing his share of a very considerable fine for renewal. But by the firmness of the chapter, and the manner in which I was supported by my brethren, the renewal never was made with the lessees until they yielded the point. That portion has been excepted from renewal, and at the expiration of the lease it will be within our power to offer it to Her Majesty's Government upon equitable terms for such improvement as may be desirable.

2472. Is not it an objection to the management of the property in the hands of the dean and chapter, that a member of the chapter might be a considerable loser by a management which would tend to improve the property ultimately, and be generally beneficial?—I think not. I think that there is an average which extends over an extensive property of that kind, and that the average is completed.

2473. Can you give the Committee a description generally of the nature of the property held by the dean and chapter?—It is composed of country leases, or farms held on lease for 21 years, renewable every seven. Then there is house property, which is divided and subdivided. Some portions are blocks of houses together; others are single houses. Some portion of the property is in very good situations; some is in indifferent situations.

2474. Is the house property in the metropolis or in other towns?—All the house property that we have is in the metropolis. I do not mean that in country towns we may not have some few houses, but no house property to signify.

2475. Is it on both sides of the Thames?—No.

2476. In what counties is the country property situated?—Worcestershire, Gloucestershire, Berkshire, Hertfordshire, and Leicestershire. I will not undertake to state all the counties.

2477. Are the country property and the London property managed by the same agent?—No.

2478. Sir *J. Pakington.*] Which is the more valuable portion, the country property or the house property?—I should be unwilling to say until I have made a comparison. I would have made the comparison had I anticipated the question.

2479. Does the country property lie in large estates or in small detached portions?—In large estates, generally.

2480. *Chairman.*] With respect to the payment for the admission of the public into Westminster Abbey, was there any considerable sum formerly received for such admission in the year?—There was formerly, and the House of Commons have had a return specifically of all that money. They have had it several times; it was moved for several times, and the account was given. I may take the opportunity of stating, that the dean and chapter were in no way relieved by the receipt or expenditure of that money. But that, the Committee are aware, is abolished, with the exception of the admission to the small chapels, when persons pay 6*d.* for the guide who goes round with them. We have found it impossible to dispense with that; we have had parties desirous of intruding for the purpose of carrying on some mode of worship that is not consistent with the Protestant faith. We have had a party come attended by priests from St. George's Cathedral, on the other side of the water, and there has been considerable confusion in consequence; they have come on a particular day, when I have been obliged to order the doors to be shut, and I have ordered them to be shut annually on that same day; I found after I had done so, upon reference to old customs, that our predecessors had found similar inconvenience, and had been obliged to take similar steps to prevent the annoyance. I have had an application from a man to be allowed free admission to the Confessor's Chapel, for the purpose of performing his devotions at the shrine of his patron saint; I have had others apply for leave, disguising the object; I have had others go round to see the chapels and detain the party with whom they were (not of their own seeking) thrown by order of our chapter, whilst they were performing their devotions at the shrine of Edward the Confessor. We have felt, therefore, that it requires great watchfulness and care.

2481. Have you had the attendance of any of the London police?—We never admit a policeman; we have the high constable of Westminster there, and we have

have besides that, several special constables; several of our people, appointed as guides, are special constables.

2482. Have you had any losses by the monuments being defaced, or any other injury being done?—Not lately.

2483. Are the persons you appoint very careful to prevent such injury?—We think so. There is great watchfulness, and I have reason to believe great faithfulness in the discharge of their duty, insomuch that I may state as an instance that my attention was called immediately to a small depredation committed upon one of the tombs; it was not larger than one square inch of inlaid work which had been taken away; it had not been taken away a week before one of the guides called my attention to it, which is an instance of the watchfulness that they exercise; they could not discover by whom it had been done, although there was strong suspicion; I should also state that I give leave to any artist to draw there (and I am glad to give leave to any number, because one is a check upon another), provided he brings a certificate of his being worthy of such a permission, signed by any Member of Parliament, member of the Royal Academy, clergyman of the Church of England, or barrister-at-law.

2484. During your absence from London, who performs the duties of dean or sub-dean?—I may say that a fortnight scarcely passes, when I am absent from London, that I do not come up for the day; communications are made to me, and I am always ready to attend.

2485. Lord *R. Cecil.*] Do you consider the management of the dean and chapter an economical management?—Compared with the management of any gentleman's own property, extremely so.

2486. Do you know at all what the average expenditure on the received rental is?—From 2 per cent. to $2\frac{1}{2}$, scarcely $2\frac{1}{4}$ per cent.

2487. Then you would say that the payment of 4 per cent. to the receiver of the rental was rather an extravagant expenditure?—Not in my own private estate, certainly. The result in our case ensues from that mode of management which is applicable to ecclesiastical property, but which is scarcely applicable to private property. In my own private estate I should be very glad to get off for 4 per cent., but then I expect the enjoyment of that estate for myself or my sons in the way that any gentleman enjoys his private estate, whereas ecclesiastical corporations do not look to the same enjoyment of their estate. Considerations as to sporting, and other matters which gentlemen care about in the management of their property, are indifferent to them.

2488. Mr. *E. Denison.*] You mean that you would be glad if you got off by maintaining and upholding your property for 4 per cent.?—Yes.

2489. Lord *R. Cecil.*] I will refer you to some evidence which has been given before this Committee. It was given in evidence, in answer to Lord Robert Grosvenor, that the amount paid for agency, understanding by that word the receivers, is 4 per cent. upon rack-rents, and 5 per cent. upon reserved rents and upon rentcharges. Do you not think that that is too much?—It is more than we give. We give $2\frac{1}{2}$ per cent. for the receipt and management of farms at rack-rent, but then, as I stated, they are not a large proportion. The management of our property generally costs scarcely $2\frac{1}{4}$ per cent.

2490. Are travelling expenses included in that estimate?—We pay nothing additional to the surveyor in surveying the estate; he charges so much for his surveying.

2491. Your agents, I presume, are local agents?—Yes.

2492. And therefore their travelling expenses are not large?—They are not charged beyond what the agent charges upon the valuation; he values an estate and he charges for his services; we know nothing of their travelling expenses.

2493. So far as your knowledge of capitular estates goes, has the management of them by the deans and chapters been improving as well as economical?—Unquestionably.

2494. Your own estates have been improved considerably?—Considerably.

2495. Do you know at all in what proportion?—I never made any calculation. I should say from 20 to 25 per cent. since I have been connected with them.

2496. What number of years is that?—Twenty-four years.

2497. Do you think that that is as great an improvement as, considering the restrictions which are placed upon ecclesiastical property, there would have been

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any possibility of expecting?—That is a difficult question to answer, because property must vary so very much in its situation. I think it is a very fair improvement for the property, considering where it is situated.

2498. Mr. *G. Butt.*] For any property?—Yes; unless there are peculiar marshes and such like lands, which have been improved, of course, in a much larger proportion.

2499. Lord *R. Cecil.*] That is 25 per cent., then, on the whole of your property?—Yes.

2500. And consequently, I suppose, the improvement has been larger than that per-centage in the towns?—It is a full proportion for the country estates certainly. The town property I do not think has improved in much greater degree than the country estates, as to the value.

2501. Are you at all aware whether the estates in the neighbourhood of your estates in the country have improved in a similar proportion?—I do not consider that our estates in the country, so far as I hear from those who visit them, are behind the neighbouring estates.

2502. You were speaking of an instance in which proposals for improvement were made, which involved a considerable risk on behalf of the existing chapter, for the sale of the property; there have been other instances, I suppose, of a similar nature?—Many.

2503. It has been quite the practice of the chapter not to consider their own existing interests, if the benefit of the property was in question?—Whenever a surveyor in whom they can place any confidence informs me that any considerable sacrifice will be for the benefit of the estate and their successors, I have never found any hesitation in my brethren to concur in it. I can state an instance in which there was a refusal to renew a lease for lives, to the very serious annoyance of the lessee; he is now dead. I will decline to name him; I was not then a member of the Chapter of Westminster; he stated to me as a grievance, that the Chapter of Westminster had declined to renew with him on lives; I subsequently became a member of the chapter, and he then appealed to me, and I said that I thought the chapter were quite right, but that there was no wish to deprive him of the possession of the property; that at the expiration of the lease they would grant him a lease for 21 years, renewable every seven; he took it himself on these terms, and his son holds it now; and in consequence of his thinking that that property was desirable for him to possess in fee, on account of some ornamental timber, I immediately said to him that it was one of those cases for which I considered the Legislature had given us the power of enfranchising, and that if he was willing to enfranchise, the estate should be valued and enfranchised; it is now in course of valuation for that purpose. With respect to other estates, at this present moment there is a noble peer who is desirous of putting in two lives upon an estate upon which there is one only remaining, and we have refused. Within the last month I sent him word that we were very willing to convert his remaining life into a lease for 21 years, but he declined that; it remains therefore upon one life. In regard to household property our surveyor has, in several instances, stated that the houses were dilapidated; that the bricks were worn out, and that it was desirable therefore to improve that property; and we have granted a new lease for 40 years, without taking any fine, on condition that houses of a certain calibre were erected; they have been erected, and very handsome houses they are. We have received no remuneration for that; our successors, however, will receive fines, estimated upon the increased value. In a great many cases we have increased the reserved rents, making the annual income larger and reducing the fines.

2504. Sir *J. Graham.*] Have you not destroyed Tothill-street and opened Victoria-street?—We have not done that; we are not the Westminster Improvement Commissioners. We have under compulsion sold to them, but we have not conveyed.

2505. With respect to the destruction of Tothill-street and the opening of Victoria-street, and the ornamenting of Dean's-yard; in what proportion has the chapter contributed to those improvements?—Tothill-street is as it was when you were at Westminster School. It is between Tothill-street and Dean-street that the opening to Victoria-street is made.

2506. Lord *R. Grosvenor.*] Tothill-street remains the same as ever?—Yes; it is the intermediate property which has been affected; it is that which we were obliged

obliged to surrender to the Westminster Improvement Commissioners to enable them to commence their work. They have not paid for the property, but it being assessed, they have paid the interest upon that money. We, on the other hand, have never conveyed to them, and shall not convey until they pay the purchase-money. The question now for decision is, whether we shall not enter again, and take the property back.

2507. Sir *J. Graham.*] That matter is now pending?—It must pend for a short time.

2508. In regard to the improvements at the entrance to Dean's-yard, how were they effected?—They were made under a special Act of Parliament with the concurrence of the Ecclesiastical Commissioners.

2509. Lord *R. Cecil.*] If it has been given in evidence that it is unlikely that the capitular bodies will have sufficient motive to make sacrifices for the management of their estates, you think that that imputation is unjust?—It does not apply to us, certainly.

2510. Mr. *Wilkinson.*] With respect to the improvement and proposed sacrifice which you have spoken of at Hyde Park Corner. I understand you to say that that was an improvement contemplated as much for the public benefit as for the benefit of the estate?—I do not know what Sir William Molesworth's views upon the subject were; but our object was, that the property should not be held under lease so as to encumber it for the Government, as purchaser, and make them pay more if they desired to have it at some future time.

2511. What was the object?—The object was this. If it were leased for 40 years to the trustees, and the Government wished to buy it, they would have to buy their interest, and then buy ours; whereas, if they bought of us, we should require no fancy price; we should leave it to some eminent surveyors to settle the value, and if the Government wished it they would have it at such price. They have taken land in like manner. Albert Gate, for instance, where the great houses are, was purchased by the Government of our lessee, our interest was then bought, and they then leased it to Mr. Cubitt.

2512. Then do you think yourselves justified, apart from the interests of the estate, in making some sacrifices for public purposes? Did you not feel yourselves in that case justified, as trustees for this property, in making some slight sacrifice of the property for the public advantage?—We were not going to sacrifice the property at all; we were going to put it in a better condition for the Board of Works to buy; if they should wish to deal for it they would have one vendor to deal with instead of two.

2513. *Chairman.*] Therefore that property has been omitted from the lease which you have renewed?—It has; consequently that property, instead of having 40 years to run, has now 22 or 23.

2514. Mr. *E. Denison.*] You have spoken of property in Gloucestershire and other counties?—Gloucestershire and Worcestershire, and other counties.

2515. Have you agents generally residing in those counties, or how is your property managed with regard to agency?—We have an agent generally somewhere central, to whom we refer from time to time, and annually a portion of our body visit that estate. They look after the condition of it, see the tenants, see the clergy, inquire where schools are wanted, what is the state of the chancels, what is the state of the churches, and they report. Matters in the commencement of the year (say from Lady-day or from January) which arise, and of which we do not feel ourselves to be competent judges at the time, are referred to what we call the "progress." Two canons go on what is called "the progress," to investigate the estates and see what are their wants; they have then to determine whether this site or that site is wanted for a school.

2516. Mr. *Walpole.*] The costs of that progress would be charged to the chapters' property?—They are so.

2517. They would be added to the agency in the management of the estates?—They would be added to the expenses of managing the estates. That made me hesitate about the travelling expenses; those are the only travelling expenses that I am aware of as being charged.

2518. Lord *R. Grosvenor.*] Are those expenses included in the $2\frac{1}{4}$ per cent. which you mentioned?—Yes; that is what makes me doubt between 2 per cent. and $2\frac{1}{4}$; it raises it to about that, as near as I can make an estimate.

2519. Mr. *E. Denison.*] From your experience, should you think it a very unsatisfactory thing to attempt to manage an estate in a distant county without ever

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ever visiting it?—I should think it quite impossible to manage it faithfully; but you must all be much better judges, who are all landed proprietors.

2520. Marquis of *Blandford.*] With reference to the expenses of management, is it not the practice of the chapter clerks, or the agents who manage the property, to take fees on the renewal of leases?—Yes.

2521. Can you tell me what is the amount of the fee that is usual on the renewal of a lease?—The fees vary according to the amount involved.

2522. Is it a per-centage?—No.

2523. It was once given in evidence that the fee for renewals in the Chapter of Durham ranged from six guineas upwards to about 20; is that about the figure?—I dare say it is so; I remember very well hearing my father's agent say, that in the renewal of leases for lives in the West of England he never drew a lease for less than seven guineas.

2524. That is paid by the lessee, is it not?—It is.

2525. Are there not a considerable number of leases in the Chapter of Westminster?—Yes.

2526. I see that, in the year 1851, the sum received for the renewal of leases was about 19,000 *l.*; those renewals would have put a considerable sum into the hands of the agent who managed the property?—He does not manage the property.

2527. But into the hands of the agent who drew the renewal of the lease?—He is a solicitor.

2528. Would not that have put a considerable sum into his pocket?—Certainly.

2529. When you say that the rack-rent estate is managed at 2½ per cent., that rack-rent estate being only a very small portion of the property of the chapter, virtually the costs of management which are included in the renewal of leases are not borne by the chapter, but are borne by the lessees, and are paid in fees, upon the renewal of the leases, for the preparation of those leases?—A portion of the chapter clerk's income is, no doubt, derived from the fees upon leases.

2530. That constitutes the management of the property, because the preparation of those leases is incident to the leases themselves?—For that he has a certain fee. The leases are the title deeds of the lessee; his security for his term.

2531. Mr. *G. Butt.*] Has the same person who has the 2½ per cent. for managing the rack-rent property the advantage of that business?—No; it is a different person who receives the rents of the rack-rent property, and inspects the farms, and sees to the repairs, at 2½ per cent.

2532. Marquis of *Blandford.*] Is it not the fact that the only management which is involved in the leasing system is that which is necessarily incident to the preparation of the lease?—There is a great deal besides that. There is the collection of the reserved rents afterwards. There are the communications with the lessees involved.

2533. Is that further portion undertaken by the person who prepares the lease for renewal or by another person?—He communicates from the chapter to their lessees.

2534. What person is that; is it the person who prepares the renewed lease who undertakes the communication with the lessees to which you have referred?—Yes, the chapter clerk.

2535. Does he make a separate charge to the chapter for those communications?—He makes no charge. We give him a salary for that.

2536. What amount of salary has he?—I think it is 150 *l.* a year.

2537. Lord *R. Grosvenor.*] And a house, I suppose?—Yes.

2538. Marquis of *Blandford.*] What is the value of the house?—I cannot say.

2539. What is the rent of the house?—It has never been assessed.

2540. Then, in fact, he has a salary of 150 *l.* a year besides a house, and the fees which he takes, which are paid by the lessees?—Yes.

2541. So that in fact he gets a good salary from that source?—I have no doubt it amounts to a fair remuneration.

2542. And the principal part of that salary is paid by the lessees?—The preparation of the leases constitutes a principal part.

2543. Lord *R. Cecil.*] But he is not the person who manages the rack-rent estates?—No, nor the valuations.

2544. Therefore, the 2½ per cent. has nothing to do with his salary?—No, excepting the 150 *l.*

2545. There is no ground, therefore, for saying that the payments made by the lessees really bear a portion of the burden of the management of the rack-rent property?—I should not have said so myself, because I regard leases in the light of a conveyance.

2546. Mr.

2546. Mr. *Walpole.*] The rack-rent estates, I believe, are very small in value as compared with the other estates?—They are so, comparatively.

2547. I think I saw a return just now representing them as 1,300 *l.* out of the 30,000 *l.* a year?—I dare say it is so.

2548. Marquis of *Blandford.*] In fact, the principal part of the remuneration to the person who manages the leasehold property, that is who prepares the renewals of the leases, is derived from the payments made by the lessees in the shape of fees?—The larger portion of his remuneration is so derived.

2549. And that constitutes the larger portion of the property of the chapter?—It does.

2550. Lord *R. Cecil.*] Have you any notion of the amount of the fees?—No; I had a return some years ago, and I may have heard since, but it is nothing extravagant.

2551. Would it seriously affect the per-centage on the whole rental?—You might add a half per cent., I should think. I should be unwilling to speak to a matter of figures without being able to speak accurately.

2552. Mr. *Mowbray.*] So far as your experience goes, should you say that the Dean and Chapter of Westminster take a personal interest in the spiritual condition of the parishes with which they are connected either as patrons of livings or as possessors of landed property?—Very great.

2553. In the course of the last 20 years what number of new churches have been erected in the districts formed within Westminster?—Seven.

2554. With one exception, namely, the church built and endowed by Miss Burdett Coutts, have the other churches been slenderly endowed?—I should premise that with regard to that one exception which you have named, the Dean and Chapter of Westminster gave the fee of the land for the school, the church, and the parsonage house; they felt it their duty to meet Miss Burdett Coutts's wish as much as possible. With regard to the others they were slenderly endowed, and only one has a parsonage house.

2555. Lord *R. Grosvenor.*] I believe some other parsonage houses are building, are they not?—There is one already built in St. Mary's, in Vincent-square, for which the dean and chapter gave the ground; no others are building.

2556. Mr. *Mowbray.*] Did you, in the year 1852, present a memorial to the Ecclesiastical Commissioners, setting forth the spiritual condition of Westminster, and applying to them for provision out of their common fund, for the endowment of six new district churches?—No; we applied to the Ecclesiastical Commissioners to allow us to apply the revenues to be derived from a certain property called Belsize, in the endowment of those district churches.

2557. Had there not been previous memorials presented by you for an application from their common fund?—Yes, out of the suppressed revenues. The first memorial was to ask the Ecclesiastical Commissioners to endow those churches. The second memorial was that the Ecclesiastical Commissioners would permit us to endow them out of revenues derived by the chapter, of which they were to be partakers, and in which case, of course, they would then bear a share of the endowment, but of which we ourselves were willing to bear our share.

2558. Did that last proposal to which you have now been alluding involve a considerable sacrifice on the part of the existing members of chapter, by their foregoing their share of the fine on renewal?—Unquestionably.

2559. To what extent do you suppose that went?—Both proposals were negatived. Subsequently I was informed, by the late Bishop of Salisbury, that they could not refuse any case in which the dean and chapter were the patrons. The Dean and Chapter of Westminster being then patrons of the church built by Archdeacon Bentinck, applied for leave to charge the estate which I have mentioned with an endowment, there being no endowment whatever for that church. The Commissioners assented, but requested that the endowment might be fixed upon some property in Westminster in preference to property at Hampstead. It was therefore charged upon those new houses at the entrance of Dean's-yard.

2560. Was that endowment to the extent of 250 *l.* a year only?—Yes.

2561. Is that the only endowment which you have had from the Ecclesiastical Commissioners for the numerous churches built within the last 20 years in Westminster?—There is a prospective endowment of 200 *l.* a year, together with a site for a church and parsonage-house, retained upon that property to which I allude at Hampstead.

2562. Marquis of *Blandford.*] What would be the extent of the sacrifice which your

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your proposal would have involved the chapter in had the Ecclesiastical Commissioners agreed to it?—The revenues were 1,100 *l.* a year, and they proposed to give up entirely their share of that.

2563. Can you state to what extent permanently each canon's income would have been affected by that sacrifice?—About 80 *l.* a year; I speak from rough calculation.

2564. Mr. *Mowbray.*] Do you know what sum the Ecclesiastical Commissioners are now receiving per annum from the Chapter of Westminster; how much goes to the common fund?—I think you will see in the return made to the Cathedral Commissioners; in one year somewhere about 6,000 *l.* I think.

2565. Then the common fund of the Ecclesiastical Commissioners has received for some time past 6,000 *l.* a year from the revenues of the Chapter of Westminster, and has contributed to the spiritual necessities of Westminster one sum of 250 *l.* per annum?—Yes, that seems so.

2566. Mr. *Walpole.*] Do you know upon what grounds or for what reasons the Ecclesiastical Commissioners declined to contribute a larger sum?—I believe you have their correspondence there, in which they state that.

2567. Was not this the reason assigned, "as the Commissioners have been for some time past unable to make additional grants out of that fund" (which is the common fund), "they have been under the painful necessity of rejecting the applications of parishes whose claims as regards population and spiritual destitution are not inferior to those of Westminster, and they feel it, therefore, under these circumstances, out of their power at present to hold out an expectation of endowment for the churches built, or to be built, or the parishes within it"?—That was the reason assigned; but this was a new revenue to be acquired, and therefore was not depriving them of revenues that they were already in possession of.

2568. Marquis of *Blandford.*] If that revenue was to be acquired, would it not have formed part of the revenue which would ultimately have belonged to the Ecclesiastical Commissioners, and have had to be dealt with by them, when it did belong to them, for the purposes for which their common fund was constituted?—They would have become sharers in it, of course.

2569. Might they not have been looking prospectively to the interest which they would have in that revenue?—They then saw the prospect of it, but they were neither instrumental to the opening of that prospect, nor in any way sharers in the arrangements, until we ourselves made that arrangement for the improvement of the estates of the chapter.

2570. In proportion as they had an interest in the dividend of the chapter, they would have contributed to that arrangement?—Of course.

2571. Mr. *Walpole.*] Did not it all turn upon the question, whether there was a local claim upon the property or not?—Yes, we thought that we had a superior local claim, considering the large sum annually received by them from Westminster.

2572. Marquis of *Blandford.*] You stated that your proposal would have affected the income of each canon to the extent of about 80 *l.* a year, on a rough calculation?—Between 70 *l.* and 80 *l.*

2573. The Commissioners were entitled to the shares of certain suspended canonries?—Yes.

2574. Therefore their incomes would have been affected equally by it in the proportion to which they were entitled?—Certainly; the first application arose out of a feeling that local claims ought to be considered, that the Commissioners were receiving large revenues from Westminster, and that Westminster derived no advantage. That was rejected on the ground that their revenues were required elsewhere; that the demands were so great in the manufacturing towns, I think, we were told. Then when we made an alteration we thought we might present it in a new shape; we said, "Here is an unlooked for revenue; we are willing to bear a part in this; will you grant it now?"

2575. Mr. *G. Butt.*] Naturally enough you looked to the local wants, and thought that the local property should supply those wants?—We felt that no manufacturing town could present a greater claim than the dense population round Westminster.

2576. Then the Commissioners were of opinion that they had a more general interest to consider, and so did not agree in the view which you took?—That might be their reason.

2577. Mr. *Mowbray.*] Is it not matter occasionally of reproach against the Chapter

Chapter of Westminster that, being possessors of such large property, so slender a provision is made for the Church in Westminster?—I have heard such report.

2578. Mr. *J. A. Smith.*] What would have been the aggregate sacrifice of the chapter as compared with the sacrifice of the Commissioners if the offer had been accepted?—It would have been this: there are now four suspended canonries; consequently, they are entitled to four parts out of 15; if I should die they would have then five parts; if another canon died they would have six parts.

2579. Mr. *Walpole.*] Something was said just now of only 250 *l.* a year being applied to the local spiritual wants of Westminster out of this large property which belongs to the Chapter of Westminster?—I did not say so.

2580. But I think that question was put to you?—The summary was stated, and I did not exactly follow it; but I said, "I suppose so," presuming the calculation to be correct.

2581. Even supposing that to be the case, is it not the fact that two of the suspended canonries have been especially appropriated to the wants of parts of the district of Westminster?—No.

2582. Is it not the fact that two of the suspended canonries of Westminster have been appropriated by Act of Parliament for the purpose of contributing to and providing for the spiritual destitution of Westminster by being annexed to two churches, namely, St. John's and St. Margaret's?—Not in my opinion.

2583. *Chairman.*] Before the Act of 1840 was passed, namely, about 1835, were there not two canonries of Westminster the incomes of which were applied by Act of Parliament to the relief of spiritual destitution in Westminster?—In answering that question, I must recall to mind that the patronage of the parishes of St. John's and St. Margaret's was vested in the Dean and Chapter of Westminster. The original intention of the Act of Parliament was to reduce the number in all chapters to four, with the exception of Oxford, Canterbury, and some others which I need not perhaps particularise. The Dean and Chapter of Westminster pressed very strongly the importance of retaining a greater number than four canons at Westminster, the centre of the metropolis; Sir Robert Peel was induced to say, "If you will then give us the patronage of St. Margaret's and St. John's, we will give you six canonries instead of four." I think that is a very different thing from taking out two suspended stalls, and calling it the endowment of district churches.

2584. Marquis of *Blandford.*] But do not the emoluments of those stalls go to the endowment of those churches?—They make a small portion; eight-twelfths (I think I speak correctly, but I will not be quite sure) go to the canon; four-twelfths are divided between three district churches in one case, and two in the other.

2585. Those churches being in Westminster?—Yes.

2586. So that it is all in Westminster?—It is a deduction from the canon.

2587. But it is applied in Westminster?—Yes.

2588. Lord *R. Cecil.*] You have said in answer to the Chairman, that you came to an agreement with the Ecclesiastical Commissioners that you were to do, in behalf of the local claims upon your estates, such things as were expected from a landlord?—An ecclesiastical landlord, I should say.

2589. Is it the habit of the chapter, with respect to their rack-rent estates, to give as a landlord would give?—We draw a distinction between the demands upon us from parishes where we are landlords of rack-rent estates, and where we are landlords in fee of leasehold estates. In the one case we consider that there is a claim upon us for annual contribution to schools; in the other, we consider that the claim is limited to enlarging or building a church, building a school, or finding land for the same.

2590. But in respect of the rack-rent estates, do you consider that you do all that can be fairly expected from a landlord with regard to spiritual provision for the locality?—It is hard to say that we do all; we do something.

2591. It is in evidence that the Ecclesiastical Commissioners, in respect of those estates which are in their hands, only feel themselves at liberty to give what trustee landlords are at liberty to give; do you feel yourselves hampered by any such restriction, or would you give in the proportion that an actual landlord would give?—We should wish to do so, certainly.

2592. Lord *R. Grosvenor.*] Why do you draw a distinction between these properties where you are landlords at rack-rent, and those where you are landlords upon long lease?—I may exemplify it. My family, for instance, have been holders under

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under the Church of Salisbury for generations, and I never heard of an application to the Church of Salisbury from those places for any assistance. They have looked to our family as their representatives; the terms of renewal are advantageous to the lessees, and they should meet those little annual burdens in consideration of the advantages which they derive.

2593. With regard to the management of the property, I think your Lordship stated, that in agricultural districts your habit was to give leases for 21 years?—Yes.

2594. Renewable every seven years?—Yes.

2595. And for house property you give leases for 40 years, renewable every 14?—Yes.

2596. Are the fines paid upon the renewal of those leases fixed fines, or when the 7 years and the 14 years expire, does your surveyor calculate what the increased value of the property is, and regulate the fine accordingly?—The short answer to that question would be, that the fines are what is called in law "arbitrary," that is to say, settled by the lessor. The practice in the country estates is this, that we value about every 21 years. Supposing the lease to be first granted for 21 years, the lessee will desire to make some improvements in the way of buildings, draining, and various other improvements. We give him time, therefore, to reap the value of those improvements before we again make any new valuation. After that we consider ourselves entitled to become sharers in that improved value.

2597. That is with regard to agricultural property. With regard to house property, what is the practice?—With regard to house property, we value every 14 years when the renewal comes round.

2598. Have you no property where the fines are not arbitrary, but are fixed?—It may be so in copyhold. I think there are copyhold manors in which the fines are fixed as to calculation. It is one year's rent, or a year and a half's rent, or two years' rent. The time is fixed, and the amount is "arbitrary." Then there is a power to call in a jury as an appeal, if we put on a fine of 50 *l.* where the real value is 20 *l.*

2599. That is in cases where you are lords of the manor, I presume?—Yes.

2600. But in cases where you are simple lessors the terms are such as you have described?—It is entirely arbitrary what we shall ask, or whether we shall renew at all.

2601. There are no instances where it is always the same fine every seven years?—It may happen so by accident.

2602. But it is not designedly so?—Certainly not.

2603. Marquis of *Blandford.*] Do you think that the present state in which the Chapter of Westminster is, with regard to the Ecclesiastical Commissioners, is a satisfactory one?—That is a very large question.

2604. I will enter a little into detail. The Act of Parliament will limit the incomes of the dean and the canons, in process of time, will it not?—It does limit now the incomes of those appointed since a certain date.

2605. Are all the canons receiving a fixed income?—No.

2606. They are not all appointed since 1840?—Only one.

2607. So that, in fact, in time they will all come into the receipt of a fixed income?—I suppose so.

2608. The income which is settled for the dean is 2,000*l.* a year, is it not?—I believe it is.

2609. And the income for each canon 1,000*l.* a year?—Yes.

2610. There are to be six canons?—Yes.

2611. That will make an income of 8,000 *l.* a year for the dean and canons?—Yes.

2612. Will your Lordship be good enough to let me hand you this return, made to the Cathedral Commissioners, and perhaps you will cast your eyes down those items of expenditure while I read them. I think in 1851 the sum for the stipends of minor canons was 74 *l.*; other officers, 139 *l.*; other stipends, 3,778 *l.*; pensions, 13 *l.*; fabric and cathedral precincts, 1,853 *l.*; bridges, &c. 134 *l.*; augmentation to vicars, 479 *l.*; woods, 46 *l.*; manors, 297 *l.*; rates, 960 *l.*; grants to churches, schools, and other charities, 470 *l.*; surveys, &c. 158 *l.*; legal expenses, 785 *l.*; other expenses, 2,663 *l.*; that is right, I believe?—Yes.

2613. That forms an aggregate of 11,729 *l.* If the prospective income of the dean and canons is to be 8,000 *l.* a year, those two sums added together, making 19,729 *l.*

19,729 *l.* a year, will appear to be, as far as one may judge, the expenses of the chapter?—Taking that year.

2614. The average income of the chapter, I believe, as it appears there, and as your Lordship has stated it, is about 30,000 *l.* a year?—Yes.

2615. So that if the expenses of the chapter amount to 19,000 *l.* a year, and its income to 30,000 *l.* a year, the interest of the Commissioners will be 11,000 *l.* a year. Does your Lordship consider that while the Commissioners are prospectively to have an interest of 11,000 *l.* a year in the revenue of the chapter, the arrangement which exists at present, whereby they have no voice in the management of the affairs of the chapter, is an expedient one; or do you not rather think that it would be for the advantage of the chapter as well as for the advantage of the Commissioners acting on behalf of the Church, that that portion of the property to which they are entitled should be put under their management entirely?—Certainly not.

2616. Will you state your reasons for not thinking so?—The Dean and Chapter of Westminster are perfectly competent, in my humble judgment, to manage their own property. The Ecclesiastical Commissioners represent, at present, four, and, subsequently, six absent canons. They are interested, no doubt, and if they saw any extravagance in the expenditure, they would be able, as they have an annual account of the expenditure, to put their fingers upon it; but as honourable men we have come to a concordat upon what we may give, and what they approve of our giving. We have never departed from that, to my knowledge, in any single instance.

2617. Your Lordship is aware that some years ago, in 1851, it was proposed, by a Bill which was brought into the House of Lords, and which was referred to a Select Committee of the House of Lords, to give fixed incomes to canons, that is, to commute the leasehold interest for a rentcharge upon the property, which would have had the effect of giving a fixed income to the members of chapters?—Yes; Lord Carlisle, I think, was the Chairman of the Committee.

2618. Is not Mr. Hunt manager for the estates of the chapter?—A portion of the estates.

2619. I find that Mr. Hunt, before that Committee, expressed this opinion. He was asked, "You expressed an opinion, that if the members of the chapter took a fixed income, as they are enabled to do under this Bill, it would be inconsistent with the advantageous management of that property by the dean and chapter? I think it would be highly so.—Do you think the necessary consequence of that would be, in fact, to take the property, in order to its advantageous management, out of the hands of the dean and chapter? Clearly; that is the first of my remarks." Does your Lordship concur in the opinion expressed by Mr. Hunt upon that subject?—I think so; I think the Dean and Chapter of Westminster feel a great interest in their property, both the country property and the metropolitan property; that they feel the interest of landlords and the interest of spiritual landlords too, and that they manage it as well as property is managed by any persons who are not immediately and constantly resident upon their property. A year never passes that some members of our body do not go and examine the property and see to it. They know the general state of their property and see their tenants; see the clergy resident there, see to the schools, and are in constant communication both with the clergy of those districts and with their tenants, when there is any desire to communicate with them.

2620. Is it then your opinion, that when the chapter only possess a limited interest in their property, they will still continue to exercise the same beneficial interest over the entire property which is to produce all the revenues, not only those which are paid to them, but also those which form part of the common fund of the Commissioners, as they have done when they possessed a beneficial interest in the whole?—I am satisfied that they would do justice to the property, and justice by the Commissioners.

2621. Is it then your opinion that the receipt of a fixed income by the members of a chapter does not prejudice the management of the property?—I think it would not in that case. We have no experience of a fixed income, because the reduction of income is obtained, you are aware, by a charge upon each of those, so as to reduce them to the amount which is desired.

2622. The present position of the chapter with regard to the Ecclesiastical Commissioners is this, as I understand it, that a certain number of canonries are actually suspended and their proceeds paid into the common fund; and then

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upon a certain number of other canonries, which are not suspended, a charge is affixed, which charge is also paid to the common fund?—Yes.

2623. So that, in fact, the whole revenue of the dean and chapter is taxed to that amount?—Yes.

2624. In order to provide the income of the dean and canons, the system of leasing must be kept up, must it not?—Yes.

2625. If it were thought desirable by the Legislature that the system of leasing should be terminated as soon as possible by means of enfranchisements, would that operate seriously upon the income of the dean and chapter, provided they were to carry out those enfranchisements?—It would entirely destroy it.

2626. So that, in fact, as long as the dean and chapter keep the management of the property in their own hands, deriving their income from leases, those enfranchisements cannot take place?—You are speaking of very extensive enfranchisements.

2627. I am speaking of enfranchisements generally, whether entire or a portion?—We are not slow to enfranchise when there are any good reasons for so doing. We have enfranchised voluntarily in several instances already.

2628. Can your Lordship state how many applications for enfranchisement have been made and accepted?—We have many unreasonable applications, as in the case of a man who wishes to enfranchise a field which is in the centre of our property, and he would like to have that one field. I dare say we may have a score of such applications come in in the course of the year; but to enfranchisements, where we think the parties are at all entitled to enfranchise, we lend a willing ear. We are now enfranchising with a peer, and are most anxious to do so, because the property is part of his domains. It was one of the points and objects of the Act of Parliament, I imagine, that it should be so. But where a property has no special claim to enfranchisement, where it is bought perhaps by a person for investment, we do not see any reason why we should enfranchise that property, and we are unwilling to do so.

2629. But so far as I understand, the income of the chapter at present depends upon fines received on the renewal of leases?—Yes.

2630. And if any extensive system of enfranchisement were to be conducted, it could not be conducted by the chapter without a serious diminution in the income of the chapter?—Certainly.

2631. Lord *R. Cecil.*] Unless it was spread over a very considerable space of time?—It would be gradually diminishing the income, of course.

2632. Marquis of *Blandford.*] So that in fact if it were necessary to enfranchise the estates rapidly, it would be necessary that a transfer of the estates should be made to the Commissioners, the chapter receiving a fixed income in the meanwhile?—I do not see that that is a necessary consequence. If a large enfranchisement were to take place by Act of Parliament, I imagine that Parliament would then make some arrangement, that those who are the holders of property should receive compensation for what they otherwise would have received.

2633. Do you consider that the leasehold system is one generally of advantage?—I think it is of the highest advantage.

2634. You do not wish to see the leasehold system brought to a termination?—Certainly not; we have the best agents that men can have, in our lessees, and where they work well with us, on a good understanding and good feeling, nothing can be more harmonious and more advantageous to the persons possessing the fee, as well as to those having the occupation of the land.

2635. Lord *R. Grosvenor.*] But if your leasehold property held at rack-rent costs you only 2½ per cent. for the management, as you state, what difficulty do you see in any other corporate body properly appointed, managing their rack-rent property at the same cost?—I think we should have more difficulty with the tenants; we should deal with an inferior person; we deal with, if I may so call him, the lessor; our lessee becomes the lessor to his tenant; he sees to the management, who is resident upon the property. We should have more difficulty in ascertaining that the repairs are properly done; more applications for repairs; we should have more difficulty in ascertaining that the drainage is properly done, and more liability to outgoings, if such tenure were general.

2636. Still you do not alter your previous answer, namely, that that property does not cost you for management above 2½ per cent.?—I state to you that we pay

pay 2½ per cent. to a gentleman who lives at Gloucester, for receiving the rents, and looking after the repairs, and looking after the tenants.

2637. And, in fact, any other corporation might do the same thing, I presume?—I suppose they might.

2638. Marquis of *Blandford.*] Is it not one of the advantages as may be said of the leasing system, that whereas the fees for the renewed leases are paid by the lessees, in fact the management of the property falls upon the lessees, and not upon the chapter?—Certainly. If I understand your question rightly it is this, that our lessee is in the place of the landlord; he finds the tenant, and lets; sees to the improvement of the property, and altogether is otherwise responsible.

2639. And he pays for the expense of the lease?—He pays for the expense of the lease, as his title to his term in the estate.

2640. So that in fact, as far as the interest of the lessees went, if that portion of the expenditure were taken away from them, it would be an advantage to them?—If we did not charge them with the expenses of a lease it would be to their advantage, in one sense, but they would have no title.

2641. If that expense fell upon the chapter it would considerably increase their expenses of management?—Of course it would, but on the other hand they might require more from the lessee, or not give the lease in legal form.

2642. Is your Lordship aware of the nature of those transfers of property to the Commissioners which have taken place in the cases of the Chapters of York and Carlisle?—I have merely heard of them from seeing a statement in the newspaper.

2643. Is it your opinion that any such transfer of property made by the Chapter of Westminster to the Commissioners, for the purpose of generally enfranchising the estates, and carrying out the intention of the Commissioners with regard to those other chapters, of handing them back an estate in fee equal to the amount of a fixed income to be determined upon, would be of advantage?—I cannot conceive that it would; it would diminish the spiritual influence of the Dean and Chapter of Westminster very considerably.

2644. Then, so far as regards the Chapter of Westminster, they are not likely to come voluntarily to such an arrangement with the Ecclesiastical Commissioners?—I should think not.

2645. Lord *R. Grosvenor.*] Considering the spiritual nature of a cathedral corporation, do you see any necessity, in order to the proper performance of its duties, that the cathedral body should manage landed property?—I cannot conceive that it interferes with the discharge of their spiritual duties at all. On the contrary, my experience as a clergyman is, that no clergyman is more respected than one who in combination with his spiritual duties is able to give advice to his parishioners upon secular questions; who is able to conduct business well in a vestry; who is able to advise with the people concerning their own affairs, and if not able to direct them in their agricultural pursuits, can at least sympathise with them.

2646. I presume that those remarks do not apply to leasehold property?—I imagine they apply, because your question is, whether the management of this property, if I may so say, sacrifices or interferes with the spiritual duties of the deans and chapters.

2647. My question was not exactly that?—I understood it to be so.

2648. It was like it, but it was not that. My question was, whether you thought that it was necessary, in order to carry out properly the spiritual duties of a cathedral corporation, that they should have the management of property belonging to them?—I think it highly advantageous. I may say, that there is not a single estate belonging to the Dean and Chapter of Westminster to the spiritual improvement of which they have not at one time or another contributed by assisting the incumbent of a church, or building a school, or finding a site for a school, and they have felt an interest therein.

2649. Marquis of *Blandford.*] But as so large a proportion of the property of the dean and chapter is derived from leases for years of house property, that influence which you describe is but limited in its extent, is it not?—Our property is scattered in a great many counties, and I repeat that there is not a parish that I am aware of in which we have property where we have not contributed to the increase of church or school accommodation.

2650. I am speaking with regard to the extent. The amount of house

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property possessed by the dean and chapter in London forms a very large portion of their property, does it not?—A considerable portion.

2651. So that that influence of which you speak would not be brought into existence in regard to those portions of property which consist of house property in London?—That property in houses has led us to contribute towards the erection of these seven churches in Westminster.

2652. I am speaking of the influence which you refer to as that which the dean and chapter should possess, not the amount of contribution which they should make to the localities. The influence which you are speaking of would not be brought into existence as regards the house property which the dean and chapter possess in London?—I confess I do not understand the question.

2653. If I understand your Lordship's meaning aright it was this, that the advantage of the dean and chapter possessing property was, that it gave them a large amount of influence in the locality where they possessed the property, and that one and not the least beneficial part of a clergyman's duty was to be brought into relation with his parishioners, or his tenants, and instruct them not only in spiritual things but also in the common things of life; and that the duties of a clergyman, as performed in the vestry as regards secular things, were in degree as important as those which regard spiritual things. Did I understand your Lordship aright?—It was an exemplification in answer to Lord Robert Grosvenor's question, which it appears I did not understand properly; I then stated that it was desirable, even in a country parish; *à fortiori* that it was desirable to extend the influence of a dean and chapter by giving them that interest in these various estates to induce them to increase church accommodation and to extend schools. If we had no property in the distant parishes in Worcestershire we should not be desirous of extending schools; we should not take any interest about the schools.

2654. The fact is this, if I understand it aright, that the influence to which your Lordship alludes, is rather an influence attaching to the possession of landed estates than any other?—I understood that that was Lord Robert Grosvenor's question.

2655. That is my explanation of it; it is the influence to which you allude as regards landed estates?—Yes.

2656. Then, of course, all that property which the dean and chapter possess in London, which consists of houses, would not be an occasion for that influence arising?—If we had not an interest in the property in Westminster, we should not feel ourselves called upon to increase the church accommodation; we should leave it to those who had the house property. But I argue, that we are more sensitive, perhaps, than a mere speculator is upon that subject, and therefore more desirous of seeing churches built and schools established.

2657. Mr. *Mowbray.*] And more liberal than a trustee landlord?—That is not for me to say.

2658. Mr. *Walpole.*] You take a greater interest in the district in which the property is?—Undoubtedly.

2659. I think the question was put to you by Lord Robert Grosvenor in this form: Is it necessary for the spiritual and ecclesiastical duties of the chapter that they should have the management of property?—It cannot be necessary.

2660. In your opinion, is it necessary, for the due discharge of those duties, that the property should be taken away?—Certainly not.

2661. And in your opinion, as I understand your evidence, you think that it is perfectly consistent with those duties that the management of the property should remain in the chapters; and, indeed, I understand you to say that you go further; you think that it aids you in the discharge of those duties?—I am satisfied that it does, and I am satisfied that we are respected in consequence of the interest which we take in those parishes where our estates are situated.

2662. Mr. *Wilkinson.*] And does not the possession or the management of house property in London give you a great influence likewise over the moral condition of the people who inhabit those houses?—I wish it did; we can only do the best we can in the way of schools and churches.

2663. I think your Lordship said, that with respect to rural districts, at all events, you found the advantage, even in a spiritual sense, of the control which you had by reason of the landed property being in your management?—Yes.

2664. Does not that apply to a very great extent in London as well as in the country?—The population of London it is very difficult to exercise much control over,

over, particularly that of Westminster, where we have a large battalion of soldiers.

2665. You have the possession of a large property in Westminster?—We have the fee of this possession; we can to a certain extent control our lessees, but only to a very limited extent.

2666. As leases fall in, or as you are called upon to renew leases, you surely have some control over the lessees in that respect?—You must know that that control is very limited. If a person breaks a covenant you must sue him at law, and prove your case before you can punish him. The Duke of Bedford did me the honour to consult me one day upon that subject; he found the greatest difficulty, he said, in so binding his lessees as not to transgress; he asked me how we should act in cases where the property was what I call abused, and we came to this conclusion, that it was almost idle to expect to do it by covenants alone, unless in case of particular nuisances; that, generally, we could only punish by proving the breach of covenant in the first instance in a court of justice.

2667. Sir *J. Pakington.*] Is the larger proportion of your estates held at rack-rent house property or country property?—Entirely country. There may be a few houses which have fallen into hand in Westminster which we have refused to renew, because the parties would not do improvements, but they are not worth mentioning.

2668. I think you have stated that the aggregate income of the chapter estates is about 30,000 *l.* a year?—About that; it varies, of course.

2669. Can you inform the Committee what would be the income of that property held at rack-rent?—I can give no opinion upon that point.

2670. *Chairman.*] Do you think Mr. Hunt would be able to give an opinion upon that point?—Certainly not, excepting as to the London property, and some portion of the country property which he has surveyed.

2671. Sir *J. Pakington.*] Mr. Hunt will be able to answer that question, I apprehend, with respect to all that property which is under his management?—I should suppose he could give some information upon that point.

2672. And he, I understand you, chiefly manages the London property?—He manages the London property, and anything adjoining London, which can be at all called suburban.

2673. Have you a separate agent for each county in which you hold estates?—Hardly that, but a sufficient number to have them at hand, if required.

2674. Marquis of *Blandford.*] Where does the agent reside who manages the landed property?—There are several of them.

2675. Where does the central agent reside?—They reside as nearly central as may be to the property which we refer them to.

2676. But I speak of the principal central agent?—We have no one central agent. We have property in Worcestershire, and we have property in Suffolk.

2677. Then does the agent for the Worcestershire property reside in Worcestershire?—He resides at Gloucester.

2678. Where does the agent for the Suffolk property reside?—When necessary we have sent some person from London; at other times a brother canon, who has resided near, has from time to time gone there to see it.

2679. So that, in fact, it is not local agency with regard to all the property?—It is nearly so.

2680. But not with regard to the Suffolk estate?—It is one estate; that one estate is an exception.

2681. Is that the only exception with regard to the estates of the chapter to there being a local agent?—I have distinctly said that we have no local agent resident on each estate, but we have an agent somewhere near at hand who can attend to the property.

2682. Mr. *Mowbray.*] Do you, in any case, permit an agent, either local or general, to give notice to tenants to quit without consulting the chapter first?—Being under lease there is no such notice necessary.

2683. Sir *J. Pakington.*] What is the extent of the chapter estate in Worcestershire?—It is difficult to answer that.

2684. Is it large?—Yes, very considerable.

2685. What town is it near?—Near Malvern, and the Malvern Hills; Mathon, Pershore, Longdon, Chaceley. We have property on the borders of Gloucestershire and Worcestershire, not very far from Cheltenham, going up towards Malvern.

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2686. Marquis of *Blandford.*] Does your Lordship think that with regard to the spiritual duties of chapters, several of the canons of which have benefices besides their canonries, this large amount of business which your Lordship has been describing as incident to the large property of the chapter, is not a hindrance to the general discharge of their spiritual duties?—Unquestionably not. Our chapters need not be more than five or six times in the year; our meetings for business never exceed once a week.

2687. Does your Lordship consider that those meetings are sufficiently frequent to settle the various questions that might arise?—Certainly.

2688. Then does your Lordship still consider that the management of 11,000*l.* or 12,000 *l.* a year more than is required for the actual wants of the chapter is a good thing for the chapter to retain?—I cannot think that it would multiply their trouble.

2689. You think that the increase of property does not multiply the trouble of management?—Of course it does so if carried out beyond a certain extent; but accustomed as we are to it, having all the records with us, having all the experience of the past, it is really very easy.

2690. Is it, do you think, an arrangement which would be satisfactory to the Ecclesiastical Commissioners, that the due preservation of 11,000*l.* or 12,000*l.* a year should be entrusted to other hands than their own?—I think it would be quite as well managed by the dean and chapter as it could be by the Ecclesiastical Commissioners; I would say better.

2691. Mr. *Mowbray.*] Your Lordship alluded just now to a concordat which was arrived at between the chapter and the Commissioners relative to the donations to be allowed out of the corporate revenues; was that concordat based on a memorandum drawn up by the members of chapters who met in Jerusalem Chamber in 1852?—Yes.

2692. It was proposed by the chapters that the grants should be confined to the promotion of religious and charitable objects in those places in which their property was situated, and where their position as a cathedral church demanded it of them; was that proposal of the chapters acquiesced in subsequently by the Commissioners, and did it form the basis of the concordat?—Those were the particular terms which were agreed on, and the acceptance of them was signified to me by Mr. Goulburn.

2693. Having reference to that concordat and to the principles there laid down, does your Lordship, with your experience as a member of chapter, think that if there be in a cathedral city a local institution, a training college for schoolmasters of the diocese, and there be also within a cathedral city diocesan societies for the relief of the sons of the clergy, and for building churches, such objects would be objects to which grants might be made out of the corporate revenues within the principles laid down in that memorandum?—I believe that has been acquiesced in by the Ecclesiastical Commissioners, and in especial relation (if I may state what is hearsay) to the chapter of Canterbury, where they made a donation to the Diocesan Board for education; and it being represented to the Commissioners that such a donation is in fact a contribution towards schools in such parishes as they have property in, working through the Diocesan Board, it was within the meaning of that concordat.

2694. And if subsequently to that concordat it should appear that the Commissioners had in any case objected to a chapter making contributions for three such objects as I have specified, does it appear to your Lordship that that would have been a breach of faith on the part of the Commissioners?—I have not heard of any such case.

2695. Mr. *J. A. Smith.*] Referring to the proposal made by the chapter to the Ecclesiastical Commissioners with reference to 1,100 *l.* which was to be given up for the purposes of spiritual relief in certain places, am I correct in understanding your Lordship to state that that proposal represented the whole 15 shares, and that 4-15ths or 293 *l.* would be given up by the Commissioners, and 11-15ths or 806 *l.* would be given up by the chapter, and that still that proposal was declined?—It was so; the whole 1,100 *l.* and odd now passes into the general account of the dean and chapter; it is divided together with the others into those 15 shares; consequently it is so; I have never subdivided it because it goes into the general fund.

2696. But

2696. But that would have been the effect of the proposal which was declined?—Yes. If it had been accepted, the 1,100 *l.* would not have been passed into the general fund, but would have been applied to the endowment of those churches.

2697. That, therefore, would have entailed a loss upon the Commissioners of 293 *l.* a year, and upon the chapter of 806 *l.* a year?—Assuming your figures to be right.

2698. Mr. *Walpole.*] It was not necessarily a question of amount, but a question of principle, I think, which was then determined. It was not the amount which the Ecclesiastical Commissioners had to contribute; but whether, having regard to other demands upon them, it was proper for them to accede to the application which the Chapter of Westminster desired to make; is not that so?—We stated nothing but that there was that amount of rent.

2699. But the Commissioners, in effect, stated in reply, as I understand the correspondence, that the fund out of which the money was to be given was not a fund arising from tithes, with respect to which the local claim was immediately given by the Act of Parliament, but arose from some other source?—You have the letter before you. I cannot bear it in my mind. I remember this, that afterwards I upbraided Mr. Goulburn for not assenting to it, and he said, "We cannot assent to it, or else we shall be insolvent."

2700. Mr. *Ingham.*] Might not the result have been, that by the Commissioners giving up this 290 *l.*, they would have got 1,100 *l.* for the church?—We should have got 1,100 *l.* for these churches.

2701. The Church of England would have got 1,100 *l.* increased efficiency by that 290 *l.* being given up by the Commissioners?—It is not alienated from the Church now.

2702. You retain it?—We retain our proportion, and represent our Church; the Ecclesiastical Commissioners get their proportion, and represent the Church elsewhere.

2703. But the parochial system would have been benefited 1,100 *l.*?—Certainly.

2704. Marquis of *Blandford.*] With regard to some of the impropriate tithes of the Dean and Chapter of Westminster, I believe they are considerable tithe-owners?—They are, but not comparatively with other chapters.

2705. You were stating that you considered the leasing system a good one; is it your practice, in accordance with those views, to renew the leases of tithes as they become due?—We have made no exception, but we have, in cases where the endowment has been insufficient, augmented the payment to the vicars.

2706. I see by the Return to the Cathedral Commissioners, that the sum for augmentations averages from 400 *l.* to 500 *l.* a year. That is so, I believe?—Probably it is correct; the return was made with care.

2707. Is it your practice, upon renewing or agreeing to renew a lease for tithes, to make an agreement as to any increase in the vicarage?—Wherever we have thought it necessary. Many years ago the late Archbishop of Canterbury brought in an empowering Act, and deans and chapters, and other ecclesiastical corporations, were permitted to increase up to the sum of 300 *l.* There was no Ecclesiastical Commission then to refer to. The Dean and Chapter of Westminster immediately, at the special instigation of a very excellent man, the late Bishop Ryder, Bishop of Lichfield, who was a member of our chapter, augmented all their benefices that were below 200 *l.* a year up to that amount, without respect to the property or renewal of leases in that vicinity.

2708. Lord *R. Grosvenor.*] Without waiting till the lease was out?—Yes. Subsequently they charged the lessees of those estates, when they came for renewal, with the augmentations, making a deduction, of course, from the fines.

2709. Marquis of *Blandford.*] If it was thought advisable on the part of the chapter, upon an application to renew a lease for tithes, to make an augmentation to the vicarage from those tithes, would it not be necessary in that case to obtain the consent of the Ecclesiastical Commissioners to the arrangement?—Certainly.

2710. So that, in fact, the interest which the Ecclesiastical Commissioners possess in the chapter property involves that consent being given?—We are always very willing to confer with them in any matter (as Mr. Walpole will confirm) which arises in which their consent is necessary, and which is beyond the limit of the concordat. But I imagine that the Act of Parliament will require us to obtain their concurrence to an augmentation of an endowment.

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2711. Mr. *Mowbray.*] The power to make the augmentation is reserved by the 3d & 4th of Victoria, chapter 113, while the consent of the Ecclesiastical Commissioners for England is required by the 76th section of that Act, in order to make it valid?—Yes; we should not endeavour to do it without them. I imagine that we cannot make it as a legal charge without their concurrence.

2712. Marquis of *Blandford.*] I see that there are from 50 to 60, or perhaps more, cases of tithe rentcharges possessed by the Dean and Chapter of Westminster; can you state in how many cases the provisions of what I think is called Gilbert's Act have been put into operation and taken advantage of by the dean and chapter in making augmentations to vicarages?—No, I cannot. The statement does not refer to Westminster, but to Windsor.

2713. Has it been done in more than 10 cases?—I cannot say. I can mention one instance where I suppose an augmentation would not be wanted; the vicarage amounts to 1,800*l.* a year; the dean and chapter are in possession of the rectorial tithes; an augmentation would not be sought there.

2714. *Chairman.*] What is the name of that vicarage?—Whethamstead.

2715. Marquis of *Blandford.*] One of the questions put by the Cathedral Commission is, "Have any and which vicarages or perpetual curacies been augmented under the powers of the 1st and 2d William the Fourth, chapter 45, and to what amount?" The reply of the Dean and Chapter of Westminster is, "Saint Mary Maldon, Alconbury, Otford, Eckington, and Mathon." Have any other benefices been augmented under the provisions of that Act?—I cannot recal to my mind that they have. There is one at the present moment in agitation where we consider the incumbent inadequately paid, but it is not in a forward state.

2716. Mr. *Mowbray.*] Does your Lordship recollect whether any case has ever occurred in the Chapter of Westminster, where the chapter having proposed to the Commissioners to make an augmentation pursuant to the Act of the 1st and 2d of William the Fourth, and to augment the benefice by grant of property in reversion, the Commissioners have declined to accede to it on that ground?—I cannot recal any.

2717. Lord *R. Grosvenor.*] Can your Lordship tell me whether, when the whole of the chapter income shall have come under regulation, the rentcharges, the leases of which fall vacant, will be managed by the Commissioners or will be managed by the chapter; will they be subject to the laws which regulate the Ecclesiastical Commissioners, or will they be dealt with according to the custom of the chapter?—There is no Act of Parliament that I am aware of yet passed to take them out of the possession of the chapters; and if there is no Act of Parliament so passed, they will of course remain with their present proprietors.

2718. When the lease of a tithe rentcharge which is under the management of the Ecclesiastical Commissioners has to be dealt with, they are accustomed, I believe, by Act of Parliament, to regard the spiritual wants of the district; and it has been given in evidence to us, that they have very largely contributed in those instances; they have endowed new districts, and they have added to the income of the existing ministers of religion there; how would the chapter deal with those cases; would they simply do what your Lordship has stated they have done already, namely, augment the vicar's stipend, or would they be prepared to endow new districts, supposing those new districts were required?—They would augment the existing endowments if there were cases which required it, subject, of course, to a consideration and communication with the Ecclesiastical Commissioners.

2719. But they would, you believe, be prepared to endow new districts if necessary?—If necessary, certainly; I think they have shown no reluctance to do that. I refer you to the case of new districts in Westminster.

2720. You stated that upon the proposition of Bishop Ryder, before any Act of Parliament existed, constituting the Ecclesiastical Commission, the chapter, without waiting for the expiry of the leases, did then augment the stipends of a great many of the vicars?—They did. If I used the words "a great many," I meant to say all those that were below a certain amount. The first point was this: they required a return from all the vicars of what their incomes really were, and they then passed one general order that every one below 200 *l.* should be raised to 200 *l.* We depended upon the vicar for the correctness of the return.

2721. Can your Lordship now inform the Committee, in cases where since that period the leases of tithe rentcharges have fallen vacant, what the chapter have done

done with regard to the spiritual wants of the parishes from which those tithes have been derived?—They have always taken into consideration the incomes of the incumbents of those parishes, and if they have seen fit to augment them they have been willing to do so without reference to the lease being vacant.

2722. Have they done so?—Certainly. I mentioned a case at the commencement of my examination, in which a clergyman is to receive a certain portion of land as an augmentation; 12 acres of land, for the site of a house; that is within the last 12 months; I think that that object is never lost sight of when we come to the renewal, but our cases are not numerous.

2723. Can your Lordship tell me whether you confine your augmentations to the vicarages which are in your own patronage, or whether you have ever given them to any which are not in your own patronage?—Never to any not in our own patronage. I am doubtful whether we have the power to do so. At the same time I would observe that the district churches in Westminster are not in our patronage.

2724. Your Lordship is, perhaps, aware that the Ecclesiastical Commissioners are not bound by such regulations as those?—I am doubtful whether the case has ever arisen with us except in Westminster.

2725. But supposing my statement to be true in point of fact, the Ecclesiastical Commissioners would have a greater power of distributing these tithe rentcharges than you have?—I doubt whether the case arises in our property except as stated.

2726. Marquis of *Blandford.*] Do you not augment those places of which you have the rectorial tithes, but not the patronage?—I am not aware of any case arising on our property.

2727. Is Whethamstead the only case in which you have the tithes and not the patronage?—No.

2728. In those cases where you have the rectorial tithes and not the patronage, do you consider that those are cases in which you would augment?—I think there would be no reluctance or disinclination on the part of the chapter to do so, with the concurrence of the Ecclesiastical Commissioners, if the vicarage was badly endowed.

2729. Sir *J. Graham.*] There was some years ago a difference between the Ecclesiastical Commission and the Chapter of Westminster as to the form of keeping the account and as to certain items of expenditure. Has not that difference been entirely and amicably adjusted?—Quite so. I should be sorry to refer to that; it gave rise to a painful remonstrance. An ample acknowledgment was made, and the matter is forgotten.

2730. Whatever that difference was harmony now prevails, and the business is carried on satisfactorily to the chapter?—I can say assuredly that the desire of the chapter is to work harmoniously with the Ecclesiastical Commissioners in every respect that they possibly can.

2731. And practically since the form of account was adjusted the conduct of the business under their conjoint management has been satisfactory to the chapter?—I believe that the state of our accounts is very satisfactory to the Ecclesiastical Commissioners; they have done me the honour of saying so; they were entirely remodelled by myself.

2732. And any interference on the part of the Ecclesiastical Commissioners is not objectionable to the chapter, as now exercised?—Not at present.

2733. Marquis of *Blandford.*] In the event of any other person besides yourself at any time having the general supervision of the management of the property of the chapter, would there be anything incumbent on the chapter to continue that form of account which has been agreed upon?—I imagine that the Ecclesiastical Commissioners, having approved of it, would require that the form of account should be pursued.

2734. There is no legal obligation imposed upon the chapter to continue it?—It is difficult for me to answer that, but it seems imperative.

Martis, 22° die Aprilis, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir James Graham.	Mr. J. A. Smith.
Mr. Walpole.	Mr. Mowbray.
Mr. Ingham.	

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

William Charles Chaytor, Esq., called in; and Examined.

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2735. Mr. *Mowbray.*] WHAT office do you hold in connexion with the Dean and Chapter of Durham?—I hold the office of Chapter Clerk.

2736. And registrar?—I am called by the deed of appointment registrar; but I do the business usually transacted by chapter clerks in other chapters.

2737. How long have you held that appointment?—Since the year 1829.

2738. I believe you were examined in 1851, before the Lords' Committee, on the Episcopal and Capitular Estates Management Bill?—I was.

2739. You gave evidence before that Committee at some length with respect to the management of the mining, and agricultural, and other property belonging to the Dean and Chapter of Durham?—I did.

2740. With respect to the mining property, I believe you said, at page 49, in answer to question 445, that you thought the dean and chapter exercised the rights commonly exercised by other proprietors, and even with greater strictness; so much so that other persons came sometimes to examine your leases, to see the conditions that were reserved?—I did so; that used to be the case; they were constantly in the habit of coming to examine the leases, and see what conditions were contained in them.

2741. Are you still of opinion that the mining property of the Chapter of Durham continues to be as well managed as that of other proprietors of mines in the Diocese of Durham?—I think it is; at that time there were only four leases which were granted upon fines; since then three of those leases have been renewed and the chapter did not take fines, but took the rackrent, which was a considerable sacrifice to themselves, so that there is only now one very small lease, not since renewed, upon which a fine has been taken.

2742. Then all the mining property of the Chapter of Durham, with one exception, is at present managed at the rackrent?—Quite so; there is a rent for every quantity of coals brought up the pit.

2743. How is the agricultural property of the Chapter of Durham now managed?—That is let upon leases for 21 years, which are renewable, and there are no conditions as to the agricultural treatment of the property in those leases, so that in point of fact the lessees themselves attend to the cultivation of the land, and do as they think fit.

2744. You stated in your evidence before the Lords' Committee, at page 55, in Answer 536, that you had understood that the lands belonging to the Dean and Chapter of Durham were generally as well cultivated as those of lay proprietors in that district?—I did not give my own opinion, not being an agriculturist myself, and therefore being incapable of doing so; but I have heard others more qualified express that opinion frequently.

2745. You expressed an opinion founded upon that which you had heard from others qualified to give it?—Yes.

2746. Are you still of the opinion which you then expressed?—Yes; that is to say, I give no opinion of my own exactly, but I hear the same account.

2747. In addition to the mining and agricultural property belonging to the Chapter of Durham, as a corporation, were there not separate estates belonging to the prebendaries?—There were.

2748. And there are some still?—And there are some still remaining. Where the canonries have lapsed the estates have gone over to the Ecclesiastical Commissioners

missioners under the Act of Parliament, but those who were appointed before the passing of that Act still hold their estates.

2749. How are those which have gone over to the Commissioners under the Act of Parliament now managed?—By the Commissioners, I suppose, through their agents.

2750. You stated, at page 187, in answer to Question 1643, that the separate estates of the Prebendaries of Durham were let at rackrent, and managed as any other gentlemen's property was managed by their agents, and that you never heard of their having any difficulty?— No, I never heard of any difficulty.

2751. Is that still the case?—Yes.

2752. Do the separate estates of individual members of the chapter continue to be well managed?—I believe it is so. I do not know it of my own knowledge.

2753. What is your opinion generally, speaking from your experience as a chapter clerk of 27 years, of the capacity of a body like a chapter to manage property?—There have always been in the Chapter of Durham ever since I knew it, many members of the chapter who have given a great deal of attention to the business of the chapter; they have been very able men, and quite capable to manage the property as it was, undoubtedly.

2754. Does your experience lead you to say that there is every reason to expect that there will be found a succession of men of business qualified to manage that property?—Yes; my only expectation of the future, of course, depends upon my experience of the past. I have no other way of judging.

2755. I will call your attention to the evidence which you gave before the Lords' Committee about the augmentation of livings by the Chapter of Durham; you gave a good deal of evidence, beginning at page 179, with respect to augmentations of livings under the 1st & 2d of William the 4th, chapter 45?—Yes.

2756. You produced a table of augmentations to the livings made under the powers and provisions of that Act, and of the previous Act of Charles the Second?—I did.

2757. By which it appeared that up to that time the dean and chapter had augmented several livings which are specified in the Schedule there, by property of the annual value of nearly 5,000 *l.*, and a fee-simple value exceeding 150,000*l.*?—That is so. An estimate was made of the fee-simple value at that time; I do not know that I expressed any opinion of my own as to the accuracy of the estimated value of the fee simple, but of the amount of the augmentations I did.

2758. I believe, by the 7th section of the Act of the 1st & 2d of William the 4th, it was provided that where the property was let on a lease at less than the rackrent, an augmentation might be made to take effect on the expiration, surrender, or other determination of the lease?—Yes, because, of course, the chapter could not grant more out of the present interest of the property than they possessed, which was simply a small reserved rent.

2759. That is to say, the dean and chapter had power to make an augmentation of the living prospectively?—They had, and I think it was done either by grant of rents or by cession of the property. In the case of a grant of rent, of course the whole value could not take effect until the expiration of the lease; but where the property was given it was given immediately, but then the incumbent did not get the full value till the end of the term. He only received what the dean and chapter received, a small reserved rent; was put into possession of the property as it was held by the chapter.

2760. Does the 76th section of the 3d & 4th Victoria, chapter 113, declare that nothing in that Act shall be construed, so as to prejudice or affect any of the provisions of the Act of William the Fourth?—There is a section which does that. I do not know whether it is the 76th section.

2761. "Provided, nevertheless, that no augmentation made under such provisions by any bishop or chapter shall be valid without the consent of the Ecclesiastical Commissioners"?—That is so, I believe.

2762. Have many of these grants, which were made in reversion, and which are contained in the schedule given in before the Lords' Committee, since taken effect in possession?—Yes; I believe very nearly all of them. There may be one or two exceptions, but most of them have taken effect in possession. There are very few which have not.

2763. Were all those grants made before the passing of the 3d & 4th Victoria?—I am not quite certain of that. I think they were, or very nearly. They were

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not all. Some have been passed since, certainly. I think that we have had the consent of the Commissioners to some.

2764. Since the passing of that Act have you experienced any difficulty in making the augmentations pursuant to the provisions of the 76th section?—There have been three or four cases, I think, in which the chapter proposed to make the augmentations, and they applied for the consent of the Commissioners, which was declined.

2765. Have you before you the case of St. Cuthbert's proposed district out of St. Margaret's perpetual curacy, Durham?—Yes.

2766. Was an application made on the 27th of November 1844 to the Commissioners?—There was an application made, I believe, by the incumbent for the formation of a district under Sir Robert Peel's Act, with which the chapter were acquainted at that time; it did not proceed, I think, from them, but they were cognizant of it.

2767. Was that a district with a population of about 2,300 people?—So it appears; I have no doubt that is so.

2768. That district was not set apart, I believe?—No, it was not set apart at that time, and I do not know how it happened, but the application was renewed.

2769. Was the application renewed in February 1853?—It was.

2770. In the meantime, between 1844 and 1853, had the common fund of the Ecclesiastical Commissioners received from the see of Durham, as appears by the Appendix, page 286, the sum of 177,585 *l.*?—I dare say it may be so; I am not at all aware of the sums, but I suppose this paper contains the sums which have been received by the Ecclesiastical Commissioners. From "the Diocese of Durham," I think, it is headed. I will add up the sums; it is not including 1853, I suppose.

2771. Including 1852 and 1844?—I think it is so.

2772. During the same period, have they expended in the same see 45,179 *l.*?—Yes, I dare say that is so; I have not calculated it accurately. I have no doubt it is thereabouts.

2773. Leaving a balance in favour of the common fund of receipts from the diocese of Durham of 132,406 *l.*?—I see there are several columns here; "Augmentation of Livings," "Durham University," and so on. You must add the different columns together to get the expenses in the diocese.

2774. Did the Commissioners refuse the renewed application in 1853, and say that the case must be still further postponed unless the required endowment could be procured from some other quarter?—I think they agreed, if I recollect rightly, to the application, provided the endowment could be found.

2775. Mr. Chalk says, "I am sorry to add that the case must, for the same reason, be still further postponed, unless the required endowment can be procured from some other quarter"?—Yes.

2776. Mr. *Walpole.*] The reason being the want of funds in the Commissioners' hands, to enable them to provide the endowment?—Yes.

2777. Sir *J. Graham.*] The whole letter is before us?—The letters are here. I think the Commissioners agreed, provided the endowment could be found; the Commissioners certainly agreed that the endowment might be made; they only differed, I believe, as to the mode of making it; they objected to the dean and chapter making a grant, the full effect of which would not take place until a future period.

2778. Mr. *Mowbray.*] Did the dean and chapter then propose to endow with land and tithes in the parish, subject to lease, and undertake to pay the incumbent during the lease an equivalent annual sum?—Yes, that is what they proposed.

2779. Did the Commissioners then object to a reversionary grant?—Yes.

2780. I will call your attention to page 321, to your letter. Did you, on behalf of the dean and chapter, reply that the objection made to a reversionary grant of land as an endowment placed the dean and chapter in considerable difficulty, as they had scarcely any property which was not subject to leases for terms of years at nominal rents?—That was so; they could not in fact obtain land in possession, but they proposed to give land assigned to a particular canon, which was the only land they had in possession, compensating the canon for the loss, so that the whole would have been done at the expense of the body, though proceeding from a particular estate assigned to a canon.

2781. That was land let at rackrent?—Yes.

2782. Did the Commissioners, in January 1854, object that that would not be an endowment out of the capitular estates, properly so called?—That is so.

2783. Stating

2783. Stating that there would be an awkwardness in compensating the holder of the canonry out of the capitular revenues?—Yes.

2784. And suggesting that you should buy up the leaseholder's interest in the tithes?—That is so, I believe.

2785. You were unable to do that?—We tried to purchase the tithes, but the price asked was a prohibitory price; it was so great that we could not compass it. I may say that I offered, I believe, what was more than the value of the lessee's interest, calculated upon the most liberal principles; but the sum asked by the lessee was more than 100 *l.* beyond that.

2786. Did you subsequently ask the Ecclesiastical Commissioners to allow the dean and chapter to make the endowment in the manner before mentioned, by granting the tithes at once, subject to the lease, and paying to the incumbent an annual sum equal to the value of the tithes during the continuance of the lease?—Yes.

2787. Did the Commissioners make any answer to that?—I think not. I am not aware of any.

2788. Up to this moment has anything been done towards the formation of a district, or its endowment, in the parish of St. Margaret?—Nothing whatever.

2789. Is that an increasing population?—Yes, I believe it is. It was increasing very much, owing to the opening out of a colliery; that colliery was discontinued for a short time, but it is now beginning to be worked again, and therefore the population, no doubt, will increase.

2790. And the part of the parish in which the population has been increasing is at a considerable distance from the parish church?—A good distance. Pitmen will not come so far to church.

2791. The portion of the parish in which the church is situate is within the city of Durham?—It is so.

2792. And the portion of the parish in which this population has grown up is in the country?—It is without the limits of the Parliamentary borough; it is beyond the city, a good distance. I should think from the church the great mass of the population would be a mile and a half, or more; two miles perhaps.

2793. I will call your attention to page 329 of the Appendix; the case of Holy Island?—I have it.

2794. Is that a case where the Dean and Chapter of Durham proposed in October 1853 to the Commissioners to annex some land in Holy Island to the church, the land then being subject to a lease for 15 years?—That is so. It was a small quantity of land.

2795. The Commissioners required you to secure at once the intermediate interest of the lessee for the benefit of the living?—Yes; the chapter tried to do so, but, however, the lessee refused.

2796. I believe you found that that was impracticable, but you offered to pay an equivalent annual sum to the incumbent?—During the continuance of the lease.

2797. That the Ecclesiastical Commissioners declined to sanction?—They did.

2798. Did you then, in a letter of the 10th of January 1854, set out in page 331, call the attention of the Commissioners to the number of benefices which the Dean and Chapter of Durham had augmented since 1830, exactly in the manner then proposed, and the large sum which they had expended out of their own annual income?—Yes; because I think the Commissioners in their reply said that it was impracticable; therefore, in answer to that, we said, "It is perfectly practicable, because we have acted upon it in a variety of instances."

2799. Does that letter contain a statement of the mode in which the chapter had previously acted under the provisions of the 1st & 2d William the Fourth, and setting it out in some detail?—Yes.

2800. The Commissioners said that your letter should receive due consideration, and asked what you were doing with a view to purchasing the lease, I believe?—They did, I think; there were some private negotiations with the lessee in the first instance, and he entirely refused to part with his interest in any way whatever. He did not ask a price, but he would not sell it at any price.

2801. Did the Commissioners, in a letter dated the 8th of February 1854, admit that the peculiarity of Holy Island and the large demands upon the resident incumbent, which must necessarily result from its isolation, appeared to the Commissioners to constitute it an exceptional case well deserving of special consideration?—Yes; so it appears, and so I remember; but in this case, as well as in that of

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St. Margaret's, the Commissioners agreed that the augmentation ought to be made; but they only objected to the mode of doing it.

2802. Did you, in a letter of the 6th of March, point out to the Commisssioners that in refusing to sanction such augmentations they were virtually repealing the Act of the 1st & 2d of William the Fourth "which expressly and repeatedly provides for the same"?—Yes.

2803. Did you state your views at length in that letter?—Yes; it is not a very long letter; not quite so long as that of the Commissioners, I believe.

2804. Mr. *Walpole.*] Am I not right in effect in saying that the point turned upon whether it was prudent to make these endowments or to create these districts before the property came into possession; that is the effect of the correspondence as I read it; is it not so?—Yes, I believe so; the reason the Commissioners gave for it was this, that they could not tell what would be the value of the property at the expiration of the lease.

2805. Because it was in reversion?—Yes; but the chapter did not see how the purchase of the lease could give them any greater knowledge of futurity than they had before.

2806. As a matter of fact, that was the ground upon which the Commissioners proceeded?—No doubt.

2807. Mr. *Mowbray.*] If that principle be acted upon to the extent to which the Commissioners acted upon it in this case, is not it virtually repealing the provisions of the 1st & 2d of William the 4th, before alluded to?—I considered that it was so, certainly.

2808. Is the 76th section of the 3d & 4th of Victoria, chapter 113, which provides for these augmentations, at all operative, if the Commissioners' views are adhered to?—No, of course, it would not operate.

2809. Mr. *Walpole.*] It would be operative in all cases where the property was in possession?—This was one of the modes of augmentation, and therefore the decision of the Commissioners interfered with one of the provisions of the Act.

2810. Mr. *Mowbray.*] It was a partial, if not a total repeal of the Act?—Yes; but inasmuch as the greater part of the property of the chapter was subject to these leases, of course it put an end to all our augmentations excepting we could buy the lessee's interest, and where that was refused it could not be done.

2811. There is the case of Spennimoor in the Appendix, page 299?—Yes.

2812. Was that a proposal to form a district composed of a portion of four livings, where a population of 3,000 had suddenly grown up?—Yes. I think it was not a proposal originally from the chapter.

2813. A proposal originally from the incumbent of Brancepeth?—Yes, or the Archdeacon of Durham.

2814. And subsequently the Archdeacon of Durham; and then the correspondence was conducted by yourself?—Not so. I think it was conducted afterwards by the incumbent of Brancepeth, because it appears that I had been writing, and the archdeacon had been writing, and also the incumbent; and the secretary of the Commissioners very properly suggested that it would be a very prudent thing to have the correspondence conducted by one person on each side, which was done; therefore it fell to the incumbent.

2815. In that case were there several modes proposed of endowing that district?—Yes; I think there were. One proposal was this. The Ecclesiastical Commissioners were in the receipt of tithes within one of the parishes which was to form the district, and the dean and chapter, and the incumbent, thought that they had a claim upon those tithes for an endowment for the people living in the parish. That was the first proposal. Another proposal was, I think, that they should grant the reversion of a lease in perpetuity, but finally it came to this, that the chapter proposed to make an annual grant out of the whole of their revenues until some better arrangement could be provided; however, the Commissioners declined that.

2816. Was that pressed upon the Commissioners?—It was pressed upon the Commissioners.

2817. While all this correspondence was going on a Roman-catholic chapel had been opened, and the managers of the Tudhoe Iron Company said that if there was no chance of a church being built, they must give assistance to other dissenting bodies, which they were unwilling to do, being well inclined to the Church, and having offered a handsome subscription towards building?—I see that that appears in a letter which I never saw before from Mr. Shafto, the incumbent of Brancepeth.

2818. Does it appear in the letter of Mr. Shafto, at page 304?—I see it here.

2819. Sir

2819. Sir *J. Graham.*] You have no cognizance of it, except having seen it for the first time this morning?—It is so.

2820. Mr. *Mowbray.*] Do you know yourself that a site had been offered for a church and parsonage?—Yes, and that there was an offer, I think, of 450*l.* for the building of a church if the endowment could be got within a limited period, but if it could not be got within that period, of course the church would lose the site and that money.

2821. Has that time expired?—I believe it has now, but I have heard it stated that the Bishop of Cape Town, who has the money at his disposal, has extended the time to some further period; I do not know exactly what.

2822. Has anything been done up to this time towards the constitution of this district, or the spiritual relief of the 3,000 persons there congregated?—No; I am not aware that anything has been done.

2823. Lord *R. Cecil.*] Do I gather rightly from these pages that the Chapter of Durham have been very anxious, and have made considerable efforts, to provide for the spiritual benefit of those living on their estates?—They have done so to a great extent.

2824. And if they have not been successful it has been because, whether voluntarily or involuntarily, they have been thwarted by the regulations of the Commissioners?—Yes; the Commissioners have thought right, on grounds seeming to them just and expedient no doubt, to decline.

2825. Any imputation, therefore, on the Chapter of Durham, that they were careless of the spiritual benefit of those on their estates, would be very unjust?—I should say so.

2826. I understood you also to say, at the beginning of your evidence, that in three cases, at very considerable sacrifice to themselves, the dean and chapter had refused a fine, in order to place their property on rack-rent, and so to benefit the estate?—Yes; in the case of the mines they have done so.

2827. In three cases?—Yes.

2828. Again, therefore, any imputation on them, that they would be unwilling to sacrifice their own interests, where it was obviously for the benefit of the estate that they should do so, would be unjust?—I think it would.

2829. Does it fall within your experience that the care and attention which you say the chapter give to the management of their estates interferes with their spiritual character?—I do not think it does; as members of the chapter, they have no cure of souls. There are individuals of them who have the care of parishes; but as members of the chapter they have no duties with which it interferes or can interfere.

2830. Have you ever heard, that even with respect to those individuals who have cures of souls, the business falls upon them with sufficient weight to make them neglectful of their duties?—No, I never heard it; there were 12 members of the chapter, exclusive of the dean, originally, and not many of them held benefices.

2831. Mr. *Walpole.*] Do any of them visit the property themselves?—I cannot say that they have done so lately; formerly they used to do so; they used to make progresses and ride boundaries, and so on.

2832. They employ one agent, probably?—They employ a land agent, and another agent for the houses, and a mining agent exclusively. An agent living at Shields attends invariably to the houses.

2833. Do you know what per-centage they pay to those agents?—They are not paid a per-centage; they are paid salaries.

2834. Lord *R. Cecil.*] The property of the chapter lies almost entirely in the county, does not it?—The great bulk of it; there is some in Northumberland and some in Yorkshire.

2835. Therefore there is no difficulty in managing it centrally?—No. In Yorkshire there is some land where the tithes were formerly commuted into land; it is principally tithes.

2836. Mr. *Ingham.*] With the exception of mining property, almost the entirety of their estates is held under renewable leases?—Yes.

2837. Therefore the actual management of the land, so far as it is agriculturally productive, is in the hands of the lessee?—It is so.

2838. Who acts as landlord to his occupying tenant, if he does not occupy himself?—Yes; many of the lessees under the Chapter of Durham are occupying tenants; there are a number of small holders who occupy the land themselves.

2839. But, being like other ordinary landlords, the expense of repairs comes out of

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of the capital of the lessees?—They are bound by the covenants of the leases to repair.

2840. I refer to such improvements as draining?—Yes; of course they are not obliged to drain; if they do it, it is done at their own expense.

2841. All that is done by the lessee for the advancement of his own interest, as lessee under the chapter?—Yes.

2842. The fines, of course, are calculated upon the rentals?—Upon a valuation.

2843. And the valuation is made upon what your competent agent thinks the land ought to let for?—Yes, to a tenant who is to pay it and the rates and taxes.

2844. You have been asked as to the management of the land; have you ever heard anything from your agents to make you believe that the agricultural land in the possession of the lessees is in such a condition as to be worth a less rent than the agricultural land in the hands of lay proprietors?—No, I do not think I ever heard that.

2845. I believe the land estates of the Chapter of Durham principally lie in three portions. There is one large estate in the manor of Westoe, another somewhere near Stockton, and a third in the county of Northumberland, near Wallsend?—Yes, there are more than those; that in Westoe and the neighbourhood is a very large tract, extending a great way towards Sunderland; there are a great many large townships together; then there is a large tract near Stockton.

2846. You disclaim any knowledge of agricultural matters, therefore you cannot state, I suppose, the rent per acre paid for land in the neighbourhood?—I believe the rent in the neighbourhood of South Shields is very high; at least, what we call high, 4*l.* an acre sometimes.

2847. As to the improvement in respect of buildings, you say you have one house agent of the chapter property?—Yes.

2848. Do you bear in mind at all the value of the house rental in the manor of Westoe. The land there has been built upon on 21 years' leases?—Yes.

2849. £.35,000*l.* a year, I believe, is the total rental?—The chapter do not derive that revenue from it.

2850. But that is the amount?—It may be so.

2851. And all this improvement has been done by the tenants during the continuance of the present tenure?—I believe there was an arrangement made by which the chapter agreed not to take any fines for those improvements until after two renewals, so that practically it was a lease for 35 years.

2852. With the prospect of the ordinary terms of renewal at the expiration of that time?—At the expiration of those 35 years they take a fine upon the value.

2853. I believe there has been no change at all in the practice of the chapter within your recollection, as to renewal; they have always renewed?—There has been a change in the rate of fines within this century.

2854. There has been no change during the period that you have been chapter clerk, which I think you say is 27 years?—There has been no change during that time, but before that there were more than two changes. There has been a change in the rate of fining, and there has been a change in the conditions of the leases, the reservations; the terms have not been the same.

2855. The reservations to facilitate the working of mines have been continually extended?—Yes, there have been no less than three alterations, I think.

2856. Is not the result of that that the chapter of Durham get perhaps better terms for the interest which they give to their coal lessees than any other proprietors, because they can grant along with it a right of way?—Yes, because the rent upon a quantity of coal includes the passage of the coal over the surface.

2857. Therefore, so far from its being at all an improvident mode of managing your mines in the county of Durham, you actually get for the proprietors of the royalty a larger return from the mine adventurer than an ordinary lay proprietor does, because you can give greater facilities for working the mines?—Yes; sometimes we do not grant a right of way over the whole district, but only a way-leave over the surface under which we lease the mines. If the way-leaves go over other lands the lessees pay a rental for it. Then the chapter have large tracts which they let together. Therefore a man who has a large tract of coal has a way-leave over a very large surface without going over the surface of other lands. There are one or two exceptions, but they, generally speaking, receive an additional rent when the way-leave is over other lands than those under the surface of which they let the mines.

2858. But a person who is dealing with the chapter for the purpose of opening a mine

a mine upon their land, can gain greater facilities for going to the place of shipment and passing through the intermediate estates than it is generally in the power of a lay landlord to grant?—No doubt, because they are extensive owners.

2859. I see that by a return which was made in the year 1854, it was then stated that 249 applications had been made by the tenants for enfranchisement, and I think at that time the number which had been agreed upon were 74?—Yes; that is not the number of cases, it is the number of individual leases.

2860. There might be one applicant for the enfranchisement of several leases?—Yes.

2861. However, 74 leases at that time had been enfranchised out of 249 applications?—Yes; there was a great difficulty about the expenses. There was a necessary cost incurred in the very first step of the proceeding; and the chapter did not like to incur this cost unless there was a prospect of effecting the enfranchisement.

2862. What was the nature of the cost?—The nature of the cost was a valuation. I believe the Commissioners required, as the first step, that there should be a valuation of the fee simple in possession, as the ground-work upon which the estimated value of the reversion was to be made. Then the valuer was to be paid for this; therefore, at the very first step there was a cost.

2863. How was it adjusted?—The Commissioners proposed a kind of scale which has been acted upon; a scale by which the valuers were to be remunerated according to the value of the fee simple; I think it was one per cent. till the fee simple amounted to 500 *l.*; half per cent. between 500 *l.* and 1,000 *l.*; I think it was 5 *s.* per cent. from 1,000 *l.* to 4,000 *l.* or 5,000 *l.*, I am not certain which, and 2 *s.* 6 *d.* per cent. for all above.

2864. Who, in point of fact, pays now the cost of these valuations?—When a bargain was made the Commissioners, generally speaking, except in some small cases, paid the costs out of the proceeds of the sale, but in the first instance we wanted a guarantee; therefore I was obliged to ask the lessee to guarantee the cost of the application, so that the chapter might not lose, because they were prohibited from any gain by the Act, therefore it was not fair to throw upon them any cost.

2865. The chapter, then, get nothing in the case of an enfranchisement more than they have hitherto received?—No; therefore it was not fair to throw upon them, in addition to the burden and responsibility of these negotiations, a pecuniary cost.

2866. Has it ever been considered whether or not that is not a fair capitular expense, namely, the charges *bonâ fide* incurred in ascertaining what the value of the property would be for enfranchisement, and such as might be allowed out of the chapter funds before the division was made between the Commissioners and themselves?—I do not know whether that has ever been considered; the chapter themselves would not have liked to incur a cost unreasonably; it would have been at their own expense, of course.

2867. A portion of it would fall upon those who are now participating in that divisible fund?—Yes.

2868. A portion of it would be deducted from what otherwise would go over to the common fund in the hands of the Commissioners?—No doubt.

2869. No question has been at all raised between the Commissioners and the chapter as to whether or not such an expense would not be considered as one of the proper capitular expenses which they are entitled to deduct?—No, I never heard of it; I do not think it has been considered at all.

2870. Can you at all state what number of cases are before the chapter now?—I cannot speak with confidence; there are a great many applications, and they are coming more and more frequently. We find it necessary to take the cases rather by degrees and gradually; it would not do to effect the sales in a great hurry. I have always asked the applicants to make an offer, stating the annual value upon which they founded it, and guaranteeing us against any loss, and they, generally speaking, make such absurd offers, that we should lose greatly by the transaction instead of gaining.

2871. What sort of property are you speaking of?—I am speaking of houses.

2872. In the case of house property which is proposed to be enfranchised, in what way do you consider that the interest of the occupying tenant ought to be calculated?—Where it has been a good class of houses we have discounted the future interest at 4 per cent., but where the houses have been of trifling value

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according to some communication with the Commissioners, we have agreed to take 33 years' purchase of our average receipts; such a sum of money as invested at 3 per cent. would give us these average receipts.

2873. You know what is laid down in the Lords' Report as to granting an extension of the term to the occupying tenant?—That does not apply to houses. I think the case of houses was excepted from that Report.

2874. In the case of discounting the present freehold value of a house it is stated that it is the practice of the Ecclesiastical Commissioners to extend the term of the tenant in the same way, and to discount the freehold value after the expiration of a longer period; not to discount it after the expiration of the dry term, but after what the extended term would be; has that been the practice of the chapter?—We have not done so generally; I think we have generally made it up to 21 years. We have considered it as a 21 years' lease, and have then discounted the value at 21 years, adding thereto the price of the fine.

2875. The proportion of the fine?—Yes; if there were 19 years we should make up the two years, charging for the fine at the rate we usually charge, adding that to the money charged for the reversion.

2876. Then you have not adopted the suggestion that was made by the Lords' Committee as to calculating the interest in lands; you have not applied that to houses?—Originally, I think we did not act upon that, but latterly we have done so.

2877. You say that you take the 4 per cent. table, calculating the fee at 25 years' purchase; is that a rate of interest at all applicable to house property?—The whole value of the fee simple has been in the first instance calculated at a much greater rate, 7 per cent., or thereabouts, in estimating the whole value of the freehold; therefore, in estimating the reversion you must not again make the same allowance, or you would make the allowance twice over.

2878. What is the reason that you first of all calculate it at a high rate of interest; is it because there is a considerable annual outlay, and an uncertainty as to getting tenants?—Yes.

2879. But at the expiration of the time, is there not great uncertainty as to whether or not the corpus of the property may not have been injured, because with the annual wear and tear no repairs preserve the property as it was originally built, or as when you first made your calculation?—That may be so; but so far as repairs go, the lessee is under covenant to repair. It is very likely that, beyond that covenant, the house may be worse; I admit that; but, however, that is the way in which we have acted.

2880. I think you say that another mode which you have adopted is to provide that there should be such a sum of money furnished to you as would supply to you the same income as you would have got from the fines?—Yes; in cases where the houses are of a very bad description of property, the fee simple not being valued at above 15 years' purchase, we have, with the sanction of the Commissioners, charged such a sum as, being invested at 3 per cent., would give us our average receipts; perhaps a little more to cover the expenses: we have gained nothing by it.

2881. Is not that rather a beneficial arrangement for the chapter, because this is property of an inferior quality, and therefore your receipts would be necessarily precarious, and you get the money invested at 3 per cent., the lowest rate of interest which you would get for agricultural land?—We have to reinvest it, and there is the cost of reinvestment.

2882. Do you reinvest it in another purchase?—The money is carried to the account of the Church Estates Commissioners at the bank; we cannot reinvest it without their consent; but there are some expenses attending the sale and some expenses attending the reinvestment.

2883. But you are not able to effect enfranchisements upon those terms to any great extent?—Not great compared with the whole of the property which we have, but still we have gone on and are going on very well, I think.

2884. But you say that you have not got force enough to overtake the number of applications made to you?—We have force enough, but I doubt the prudence of entertaining a number of applications and incurring a great deal of cost with an uncertain prospect of making bargains; we have force enough to do it, but it would not be wise to spend money upon the thing.

2885. If you had a satisfactory guarantee as to the cost being met by the person making the proposal, in case it did not result in any contract, of course there would

would be no scruple?—We do that in all cases, but very often with poor people the guarantee is not worth much; it is not worth the paper on which it is written; that is the reason why I ask for their own estimate of the annual value and for an offer, in order to see, before I put them as well as ourselves to any unnecessary expense, whether it is likely that there will be a bargain; and if I see that the offer is such that there will not be, I say, "You had better not incur the risk of a valuation, for you will get nothing by it."

2886. When the parties do not proceed, it does not lead to any backwardness on the part of the chapter to continue to renew on the same terms?—No; they have renewed in some cases which have gone off, but I do not think they would renew a lease to a person until he had paid the cost of the valuation.

2887. If the party pays the cost of the valuation, and they cannot agree upon terms, it does not lead to a soreness of feeling on the part of the chapter disinclining them to renew?—No; the chapter are anxious to act upon this Act as far as they can.

2888. Is there any suggestion which you can make which you think would facilitate the execution of the Act. You say that in Shields there is a great amount of house property?—Yes. I think that if the expenses could be limited it might be a good thing. That is the only suggestion I can make. Whether they could or could not I do not know, but I think that if the cost of originating the matter were in any way reduced it might be advantageous.

2889. Sir *J. Graham.*] To what expenses do you refer?—I refer to the expense of the valuation, which is the very first step which must be taken.

2890. A valuation is indispensable previous to renewal, is it not?—It is so. That is only a Report of the annual value. This is a Report of the value of the estate in perpetuity. Of course there is a statement of the annual value, and the number of years' purchase, and so on.

2891. Is there a Report upon the fee-simple value previous to renewal?—Only upon the annual value.

2892. How many members of the Chapter of Durham are there now?—Nine.

2893. Under the existing law, that number will be reduced to a dean and six, will it not?—It will so.

2894. The income of the dean is also fixed at 3,000 *l.* a year, and the income of each canon at 1,000 *l.* a year, is it not?—Yes; I understand it is so.

2895. When the number shall be reduced to the statutable limit, the interest of the members of the chapter will be reduced to 9,000 *l.* a year?—Of course.

2896. What is the gross income of the Chapter of Durham now?—I believe about the highest that it has attained to is 60,000 *l.*; but that is a temporary source of income; the greatest part of it is derived from mines, which are not inexhaustible.

2897. But until the produce of the mines shall be exhausted, the gross income of the Chapter of Durham, without contemplating progressive improvement, may be taken at 60,000 *l.* a year?—I cannot say that it would last until the mines were exhausted, because the amount would be gradually getting less as the process of exhaustion went on.

2898. But taking the present value, it is 60,000 *l.* a year gross?—I believe it was about that last year; but that is the highest sum to which it has ever attained.

2899. When the dean and canons shall be seven in number, their interest in the 60,000 *l.* a year will be 9,000 *l.*?—No doubt of it, if the 60,000 *l.* exists then.

2900. There are now only two lives to fall to reduce the number to seven?—There are only two.

2901. Do you think it a bold presumption, that when those two lives have fallen, the income of the Dean and Chapter of Durham will continue to be 60,000 *l.*?—No, I should not say it was a bold presumption, certainly. But before the Dean and Chapter of Durham shall be reduced to a dean and six canons, having an income of 9,000 *l.* a year only, there must be, not two but seven vacancies, there being only two of the nine existing members of chapter who have fixed incomes. It is, however, a mere question of time, and I do not mean to say that this greater length of time will make any very sensible diminution in the produce of the mines. That is a point on which I can give no opinion. The time will come when there will be seven members of the chapter, with an income of 9,000 *l.* only.

2902. Then presuming that it is 60,000 *l.*, those seven members of the chapter will

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will have the limited interest of 9,000 *l.* in an income of 60,000 *l.*?—Yes, if that is so.

2903. From that gross income, in addition to the payment to the chapter of 9,000 *l.* a year, what may be the average necessary outlay upon the property; do you think that 11,000 *l.* a year would cover it?—It would not cover all the present expenses certainly; it might cover limited expenses, but it does not cover the present expenses, including grants, and donations, and everything.

2904. What would you put it at?—I think it is about 18,000 *l.* for the expenses of all kinds.

2905. Taking it at 18,000 *l.*, and 9,000 *l.*, that will make 27,000 *l.* out of the 60,000 *l.*?—Yes.

2906. And the common fund will have an interest in the difference between 27,000 *l.* and 60,000 *l.*?—Yes.

2907. The common fund will have an interest to the extent of 33,000 *l.* a year against the personal interest of the chapter of 9,000 *l.*, and plus the 18,000 *l.* a year local expenses?—Yes.

2908. When it is reduced to that state of affairs, do you think that gentlemen having a personal interest in only 9,000 *l.* a year will be very much attached to the management of property of 60,000 *l.* a year?—I dare say they might be attached to it. Whether it would be prudent or proper that they should have the management of an estate so much beyond their interest I do not mean to say. I do not think that it would. I do not think that it would be so well managed as in the hands of persons having a personal interest in the whole value.

2909. Lord *R. Cecil.*] Have the Commissioners a personal interest in the whole value?—No, I do not believe they have; they are only actuated by a sense of duty, and so are the members of the chapter; but I would rather have a sense of interest as well as of duty.

2910. Then the real difference would be, that the Commissioners would manage the whole property with no personal interest in it whatever, and the dean and chapter would manage it with the interest of 9,000 *l.* out of 60,000 *l.*?—Yes.

2911. Therefore the dean and chapter would have more interest in it than the Commissioners?—I think so, certainly; they would both be acting from a sense of duty; but the Commissioners would have no personal interest in it.

2912. Mr. *Mowbray.*] Have the Dean and Chapter of Durham expressed to the Chapter Commission a readiness to have a certain number of laymen associated with them in the management of their property?—I have heard such a thing talked of; I do not know that any opinion of that sort has been expressed by the body at large; it may have been so.

2913. Do you think that if a local Board were formed consisting of the members of the chapter, and also of laymen of position and station, and if they had it in their power to apply some of these surplus revenues towards the relief of cases of spiritual destitution within the diocese, or cases of greatly increased population, such a local Board would take a great interest in the administration of these funds?—I think they would take a great interest, certainly; it is my own opinion that they would.

2914. Do you not think that they might be able readily to apply a remedy in cases where it might be undesirable that there should be delay?—Yes, I think they would, and in particular cases they might have the application of certain moneys which might not be required for permanent endowment, because there are fleeting populations moving about. A population which was brought by the opening out of mines, when the mines were exhausted would go away; and, therefore, in those particular cases it might not be prudent or wise to give a permanent endowment, but to have a power to pay annually what was wanted.

2915. The circumstances of a diocese like Durham, with a mining population, are very peculiar?—No doubt of it.

2916. So that it would be very desirable that a local Board, with a local knowledge of those circumstances, should have a fund at their disposal, out of which they might from time to time make temporary provision for the wants of a district where a large population suddenly sprang up, and was not likely to settle permanently?—I think so; in those cases they might make temporary grants, without making permament endowments; those are special cases. In other cases, the population might be of a settled nature, and it might be better to make permanent endowments.

2917. From your experience of the correspondence with Whitehall-place, do you

you think that those peculiarities of a distant locality and a mining population are appreciated, however excellent their intentions may be?—I do not think that persons living at a distance are likely to be so sensible of the wants of such a locality as those living in the neighbourhood.

2918. With respect to the costs of these enfranchisements, will you refer to a paper which has been put in, page 454 in the Appendix; there the costs calculated are the average costs upon the fee-simple value of the property?—Yes, so it appears.

2919. The fee-simple value does not represent the money transaction in each case, does it?—No; it represents the value of the whole estate; the thing sold is the reversion.

2920. The fee-simple value is made up of the interest of the lessee, which is purchased by the corporation, or the reversion, which is sold by the corporation?—Yes, it is made up of both interests.

2921. Do you think it, therefore, a fair mode of calculating the per-centage of costs to calculate them upon the fee-simple value of the estate?—No, certainly not; if you want to know what deduction is made from the gain acquired you should make it from the sum received for what is sold, and not from the whole value.

2922. I will take you to the costs in the cases under the head of the "Dean and Chapter of Durham," the average costs of which are stated to have been 25 *s.* 2 *d.* per cent. Will you look at the case of William Green, page 455, the fourth on the list?—Yes.

2923. "Total costs 25 *l.* 10 *s.* 6 *d.*; fee-simple value 729 *l.*"?—Yes.

2924. Can you tell what the actual money was which passed in that case?—I do not remember.

2925. Here is the fourth General Report of the Church Estates Commissioners?—It appears to have been 243 *l.* 15 *s.*

2926. Then, in respect of that transaction, the costs would not be 25 *s.* 2 *d.*, but something exceeding 10 per cent., would they not?—The total costs are 25 *l.* 10 *s.* 6 *d.*; that would be about 10 per cent.

2927. Further down there is the case of J. Wardell, "costs 24 *l.* 6 *s.*, fee-simple value 864 *l.*; here is a return of the costs which has been presented to Parliament; do you see J. Wardell's case there?—Yes.

2928. What appears to have been the money which passed there?—£. 150, it appears by this return.

2929. Then in that case the costs should have been stated at 16 per cent., and not 25 *s.* 2 *d.*, should they not?—Yes.

2930. The next case is that of J. Howe; you have also a return which you hold in your hand?—Yes.

2931. What was the sum of money which passed there?—£. 57 18 *s.*

2932. And the total costs appear to have been 18 *l.* 15 *s.* 8 *d.*?—Yes, it appears so.

2933. There the costs are upwards of 30 per cent. instead of being 25 *s.* 2 *d.*?—It appears so.

2934. Sir *J. Graham.*] Are you cognizant of these transactions; have you ever seen those papers before to-day?—I dare say I may have seen these costs before, but I am not certain that I have; I see the costs here stated.

2935. Mr. *Mowbray.*] Have you been concerned in all these transactions under the chapter?—I have.

2936. Is that which you hold in your hand a return furnished to this House?—Yes, a return of all monies paid; the sums of money paid and the costs.

2937. Mr. *Ingham.*] Has there been any instance where an arbitration has been had between the chapter and their tenants?—No, we have had no instance of that at all; it has never been required; it has never been requested, in fact; indeed I do not think that there has been much difference of opinion as to the value of the whole fee; the difference has arisen as to the apportionment of interest between the lessor and the lessee.

2938. You know by the Act, that when an arbitration takes place in calculating the interest of the tenant the arbitrators are to have regard to the reasonable claim of the holder of land according to the custom of renewal; and by one of the clauses, it is stated that that claim is to be considered either according to the recommendations of the Lords' Committee, or of Lord Harrowby's Commission?—Yes.

2939. So that, of course, in the contract made dependent upon the results of that

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that arbitration, the interest of the tenant would have to be taken beyond the existing term, according to one of those two modes?—I do not know what the recommendation of Lord Harrowby's Commission was; but we have gone upon the recommendation of the Lords' Committee.

2940. To a certain extent you have. Lord Harrowby's Commission was a Royal Commission, and it proposed that there should be a perpetual term at a rent beyond what would be the strict equivalent in commuting the fine?—I am not acquainted with the recommendations of that Commission.

2941. I believe there has been a considerable sum received by the chapter in consequence of some works now in construction under private Acts of Parliament within the borough of Shields?—There are some instances where they have so received money, but they do not get the enjoyment of it.

2942. Some money has been received for land, for the construction of piers, some for a cemetery, and some, I believe, for docks?—Yes.

2943. Do you know the total amount?—I think 6,000*l.* was paid for the interest in the land for the piers, and for the docks, 10,000*l.* some odd hundreds, I think.

2944. And the cemetery 2,600*l.*?—I do not recollect at this moment; it is not paid.

2945. That would produce a total of about 18,000*l.* to 20,000*l.*, which you have received recently from those public works?—Yes, which will be received.

2946. You say the chapter do not get it personally. What becomes of it?—In cases where there is any subsisting lease of the property the money is directed to accumulate, that is to say, the dividends accumulate till the end of the term. The present members of chapter get nothing for that. They get none of the money paid for the cemetery, but it would be directed by the Court of Chancery to accumulate until the end of the term.

2947. I believe under the Lands Clauses Act, those moneys are paid into the Court of Chancery?—Yes.

2948. I believe there has been a grant made by the chapter out of their funds, so far as their powers went, to make some provision for the increased population?—As regards the Jarrow Docks, there is a power to expend 5,000*l.*, which was done at our own instance.

2949. I believe there have been applications made to the chapter for further endowments?—Yes, a great many.

2950. From South Shields?—Yes; there is no want of applications for making endowments.

2951. And they have been entertained by the chapter?—Their intention was to apply this money to the endowment of a new church in the district where those works were, and where a population had grown up. I think the intention of the incumbents of Shields, and others, was to increase their present incomes, but the intention of the chapter was to found and endow a new church for the population at those works.

2952. What power would the chapter have to apply the money which they received from these public works?—They have only this one clause enabling them to endow, to an extent not exceeding 5,000*l.*, which is in the Act of Parliament empowering the formation of the Jarrow Docks.

2953. But if they wish to apply, say 8,000*l.* or 10,000*l.* for the spiritual wants of the place, what power have they?—They have no power at all, excepting so far as they may have the consent of the Ecclesiastical Commissioners.

2954. With the consent of the Ecclesiastical Commissioners and at the instance of the chapter, some provision might be made?—I suppose it might. The dean and chapter can only augment under that authority to a certain amount a year; the Commissioners, I believe, are under no limitation as to that.

2955. Of course this unexpected source of income has entirely arisen from the special enterprise of persons carrying on those works; the land was not of any great intrinsic value?—It was not altogether unexpected, because, I believe, that property was looked upon as likely to be of great value, from its situation and adaptation for docks.

2956. Up to this time very little has been received from it?—Very trifling; I believe 10*l.* a year is all that has been paid. The renewal of the lease was refused on that ground, because it was supposed that it was sure to be taken for some purpose of that kind. No fine was taken for it, but simply a rent of 10*l.*

2957. *Chairman.*] In a letter of yours, with respect to St. Cuthbert's, dated the

the 17th of December 1853, which is in page 321 of Appendix, you said: "The objection made to a reversionary grant of land as an endowment places the dean and chapter in considerable difficulty, as they have scarcely any property which is not subject to leases for terms of years at nominal rents"?—Yes.

2958. Is that so at present?—They have purchased the lessee's interest in a small property at Ferry-hill under this Act since that date.

2959. But, generally speaking, the land is let for terms of years at nominal rents?—Yes; at that time it was almost all so; they could not find any property of which they could give the incumbent possession.

2960. How often are the leases renewed?—Generally every seven years; they are almost all leases for 21 years, excepting in some few of the boroughs, where they are for 40 years; there are very few.

2961. And a fine is taken at the end of every seven years?—Yes.

2962. Is there any great desire on the part of the lessees to enfranchise that property?—I think there is a very great desire now.

2963. Do you consider that it is desirable for both parties that the property of the Church of that description should be enfranchised, and other property bought, which would be let at rack-rent?—Yes; I think there is no doubt that the letting at rack-rent is very much preferable to the system of renewal by fines. I never heard but one opinion upon that point.

2964. Have you considered the mode proposed by the Committee of the House of Lords, and which has been acted upon by the Ecclesiastical Commissioners?—Yes, I have seen it; I am aware of it.

2965. So far as you have seen the working of that mode of acting, do you think that it has been satisfactory?—To a certain extent, it has; but I should like to see the re-investment, which is the end of all. The sales have gone on, I believe, very satisfactorily, but it is necessary to know the application of that money, in the re-investment of it, before you can judge of the whole matter.

2966. Supposing that the money is re-invested in land, at rack-rent, do you see any difficulty in the management of that land?—No, I do not see any difficulty. Of course there would be some slight drawback in the case of persons who had only a life-interest, if there were to be expenses incurred, the benefit of which was not to be derived till some very distant period; but I think, beyond that, there are great advantages attending the system. There is that little drawback, but if they were enabled to borrow money, as they are under Gilbert's Act, and to throw the cost over a series of years, that objection would be done away with; it is a slight objection, but it is an objection, which we must admit.

2967. Supposing such land to be vested in the dean and chapter, do you think that the Commissioners could advance from time to time such sums as were necessary for improvements?—Yes, I think so; I think that would be a great advantage if it could be done.

2968. Do you think that there would be any difficulty in making arrangements for that purpose?—I should think not at all, if they lent the money in the mode in which the Drainage Commissioners and other Commissioners do, so as to throw the whole cost over a series of years.

2969. How would the interest of that money be recovered?—It would be paid back by instalments. The Commissioners might have a charge upon the estates to the amount of the money which they had advanced, which, with the interest, would be repaid by instalments.

2970. Would not it be necessary, or at all events thought proper, that the Commissioners should have agents of their own to see that the money was properly expended, and also that the buildings on the estate did not fall into decay?—I dare say it might be reasonable that they should see that the money was properly applied.

2971. Would there not be some difficulty in the management by the chapter, and at the same time the kind of control which would have to be exercised by the Commissioners?—No, I do not think there would be any difficulty. The works might be done by the agents of the body under the supervision of the Commissioners' agents to see that they were done rightly.

2972. Do you think that that would be the best arrangement?—I believe, when the Drainage Commissioners advance money, they do not do the work themselves; they see that it is done properly, but they do not interfere with the execution of it.

2973. Supposing you compare that kind of management by the dean and chapter under the supervision of the Commissioners with another mode, namely, the

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the whole management being in the Commissioners, and there being the payment of certain rentcharges or amounts to the dean and chapter annually; which do you think is the best of those two modes?—I think the first is the best. I do not place much confidence myself in the management of any metropolitan Board irresponsible altogether. I think that it would be better in the hands of the members, subject to control.

2974. Supposing the dean and the members of the chapter to have only the interest which has been stated to you of 9,000 *l.* a year out of 60,000 *l.*, do you think that they would take a proper degree of interest in the management of the property?—They would not take so great an interest as if they had a direct personal interest in the whole. I think from my experience they would take an interest in the management of the property; they have done so to their own personal detriment in several instances.

2975. On the other hand, would it not be easier for them to make temporary sacrifices, as the proportion of those sacrifices would not fall so heavily upon them if they had only 9,000 *l.* out of 60,000 *l.*?—Then they would only have a direct personal interest in the 9,000 *l.* But I am supposing that they might, in cases of any great outlay, for the benefit of futurity, borrow money and repay it by instalments.

2976. Would not that money be repaid out of the whole property which was free, that is to say, with the exception of the 18,000 *l.*?—It might be paid out of the property which they had for their own endowment. I am supposing the case of their having set apart for themselves a property which would give them a sufficient endowment, and a margin for the proper management of it. Then they might, in the case of any extraordinary outlay, have the power to borrow.

2977. Supposing it has been decided that 3,000 *l.* a year is not too much for the dean, and that 1,000 *l.* a year is not too much for each of the canons, would it not be a hardship upon them to make arrangements by which their incomes would fall far below those sums?—I think it would; I think they ought to be secured that amount in some way or another, but I do not know how they could be so well secured as by the possession of the property; the money payment is much more likely to decrease in value than when arising from land, which would keep pace with the times; a money payment fixed now, might 100 years' hence not be worth half the real value which it is now.

2978. What do you think would be the feeling of the clergy generally, omitting for the present the dean and chapter, as to the comparative value of the possession of land, and a mere rentcharge or annuity paid either out of the land, or from the funds of the Commissioners?—So far as I am able to judge of the opinions of the clergy, I should think they would rather have an endowment in land, not in tithes, because I think their tendency is to the opinion that they will depreciate.

2979. Are you acquainted with many cases of tithe rentcharges, upon which there are local claims, which form part of the income, either of a bishop or of a dean and chapter?—I am acquainted with some that belong to the Dean and Chapter of Durham, on which I think there are local claims; one in Yorkshire particularly.

2980. Is there a feeling on the part of those parishes that there is some injustice to them in taking away the greater part of the tithe rentcharge?—No doubt of it; In the parish to which I allude there is a very large rentcharge; it is worth 1,100 *l.* or 1,200 *l.* a year, and it is only very poorly endowed; it is not a very populous parish, but it is very extensive.

2981. Can you state the name of the parish?—Bossall; indeed, so much so, that the chapter have had a desire to augment it; but the lease is not renewed; in fact, I think there are only four years to run; it is within four years of expiring.

2982. What is the endowment of the incumbent?—I forget now; it is a little above 400 *l.*, I think; but there is the mother church with three chapels, and the duty is spread over a great extent; it is a very wide district.

2983. Is not the case of very populous parishes more of a hardship than that case?—No doubt it is; if they are more populous there are more people to suffer than where it is only thinly peopled; but the parish to which I refer is of such width and extent, and the churches are at such a great distance, that they require some provision for the service in those churches; they are four or five miles from each other.

2984. Sir *J. Graham.*] Is any of the landed property of the Chapter of Durham

Durham let upon leases for lives?—No; it is generally upon leases for 21 years, excepting in boroughs where there are leases for 40 years.

2985. Their landed property is let upon leases for 21 years, renewable every seven?—Yes.

2986. If a tenant upon that tenure makes a considerable outlay in draining and comes to renew, seven years having expired, what arrangement is there as to a re-valuation of the farm consequent upon his improving outlay; is there a higher fine charged to him on account of the increased value consequent upon his outlay, or not?—There is a direct valuation made on every renewal; but if the lessee can show that he has expended since the last renewal any money in draining, no charge is made for that at the first renewal.

2987. Mr. *Walpole.*] Then he gets the benefit of the outlay for 14 years?—He does. It is not frequent. I cannot say that there are many particular instances of it, but there have been some, and that is the principle which the chapter have acted upon, wherever it has been done; they would not charge for the increase in value.

2988. Sir *J. Graham.*] That is on the first renewal?—On the first renewal.

2989. At the second renewal, 14 years from the outlay, the full increased annual value would be charged?—In the case of draining they have done that; in the case of houses which have been built, they have allowed two renewals, but in the case of draining I think they have only allowed one renewal.

2990. Upon the first renewal of the lease, no extra value is put upon the land on account of the outlay of the tenant?—That is so; I cannot speak of it as a custom, because there have been very few instances; but there have been one or two, and wherever it has been brought under the notice of the chapter they have not taken advantage of it.

2991. The lessees do not generally drain, do they?—They do not come and say that they have done so, and desire an extension; I dare say they have done it otherwise.

2992. You reside in the neighbourhood?—A few gentlemen who have large estates may do it; but I should think a great number of the small leaseholders do not do it.

2993. Do you still think that this system of leasehold, renewable every seven years, does not arrest the progress of improvement in agriculture, if your experience be that the small leaseholders very seldom drain in these days?—The small holders have not the means; they are too poor in general. I think if they had the fee simple they would not be able to do much more.

2994. The owner of the land would find it to his advantage to make the outlay, and receive interest upon it?—No doubt he would.

2995. And the land would be improved; that would be so, would it not?—It would be so if he could do it, but the small holders are generally too poor. If the same class of people, who have the leasehold interest now, had the freehold, I doubt very much whether they would do it.

2996. Are the leaseholders, under the Chapter of Durham, generally a poor body?—They are generally small holders; there are a few of a different character.

2997. With respect to buildings, improved agriculture requires new and larger buildings; do not the leaseholders make an outlay upon buildings?—A few of them have done so, but this poorer class do not do it.

2998. With respect to those who do make such an outlay, what is the allowance made to them in respect of the new buildings?—Fourteen years are given without charge for buildings; two renewals.

2999. Seven without a charge for draining, and 14 for buildings?—Yes, that would be so. With regard to agricultural buildings, I do not remember any instance of a lessee having made additional farm buildings.

3000. Then the general effect of the leasehold system of land under the Chapter of Durham is, that the leaseholders lay out very little, either in draining or in building?—That is my own experience, certainly.

3001. Mr. *Ingham.*] Have you much experience of it?—I only know it in this way, that the person does not claim it on renewing the lease.

3002. Do not the persons holding land under the chapter consider that of necessity all these charges fall upon themselves, without making application to the chapter?—They may increase the buildings if they like; but they do not come to the chapter and say, "We have made a building, and hope you will consider it in the renewal;" they make no application about it; whether they do it otherwise I do not know.

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3003. I think Mr. Davison was for many years the principal land agent of the chapter?—Yes.

3004. He was examined in 1837?—He would know the fact.

3005. Were you present at his examination, when he said that he thought the land was just as well cultivated, and the necessary improvements were made, both in draining and buildings, as other property; Mr. Davison was the land agent?—He was.

3006. And he would be the person whose function it would be to understand exactly in what state the property was?—He would know it, no doubt; I can only know it from the fact of the parties not having come and said, "We have made these buildings, and we hope you will not charge us for them in the renewal."

3007. That circumstance is equally explicable from the fact which you state, that they consider these improvements as matters belonging to them?—That may be so. I do not know of it except by applications for allowance.

3008. Mr. *Mowbray.*] Do you recollect the provisions of the 6th section of the Act of the 17th and 18th Victoria, as to the apportionment of the proceeds of sales?—Yes, I think I am aware of it.

3009. Do you think it would be more satisfactory that the sum of money set apart for the endowment of a particular corporation should be so set apart as to be invested in stock standing in the name of that corporation rather than in the name of the Church Estates Commissioners?—I should think it would be more satisfactory to the corporation to know that the stock was standing in their own name.

3010. You are aware that the Accountant-general of the Court of Chancery has stock belonging to a great many persons?—Yes.

3011. Do you know in what way the stock stands at the Bank of England?—It stands in the name of the Accountant-general, but it is distinguished, I believe, as belonging to the particular suit, *ex parte* so and so, so that no person can get the dividends but the party entitled to them.

3012. Then although there is stock to the extent, I believe, of 18 millions standing in the name of the Accountant-general, the various portions of that stock at the Bank of England are distributed to the parties to whom they belong?—I believe so.

3013. Do you not think it desirable that if a large amount of stock stands in the name of the Church Estates Commissioners, belonging to various corporations throughout the country, the stock should be specifically appropriated in the books of the Bank of England to those corporations?—I think it would be satisfactory that they should have it in their own names.

3014. Do you think it desirable, from the difficulty which you have in obtaining information, that in any renewal of the Act of the 17th and 18th Victoria some provision of that kind should be inserted?—Not from any difficulty which we have had, but I think that it would be a prudent and a proper thing that the stock should be so invested.

3015. Mr. *Walpole.*] Are you aware that the proceeds of these sales are carried, in books in the Ecclesiastical Commission, to the separate accounts of the different chapters?—I do not know at all.

3016. Your observation would more apply to the satisfaction which the chapters would have in feeling that the property belonging to themselves was standing to a separate account?—Yes.

3017. But if a portion of that property became applicable to the purposes of the common fund, would there be the same reason then for carrying that property to a separate account in the books of the Bank of England?—I think that they might pay over to the common fund that share which the Act directs them to do, but that the remainder should be set apart, and by setting apart I would have it distinguished.

3018. Supposing they set it apart in their own books, do you not think that that is as good a security for the chapter until the estates are handed back to the chapter?—Of course I do not mean any reflection upon the Commissioners at all, but I think the other mode would be more satisfactory. I do not wish to reflect upon their individual characters, but I speak of the Commissioners A., B., C., D. I think it would be more satisfactory if the money were in the control of the chapter.

3019. That is supposing it were wholly belonging to the chapter?—Yes; I think that if the sum set apart were invested in their own name in the books of the Bank of England, it would be more satisfactory than in the names of A., B., C., D.

3020. Sir

3020. Sir *J. Graham.*] When the personal claim of the Dean and Chapter of Durham shall be reduced to 9,000 *l.* a year, will it be satisfactory, do you think, from your experience of chapters, that a landed estate, or rentcharges upon land within the diocese of Durham, equal, say, to 11,000 *l.* a year, should be handed over to the chapter absolutely?—It would be, I think, satisfactory to have a landed estate handed over to them, together with such an endowment as would provide for a reasonable and proper expenditure. *W. C. Chaytor, Esq.* 22 April 1856.

3021. I have mentioned a clear rental of 11,000 *l.*, to cover an income limited to 9,000 *l.*?—I do not know that that would be sufficient. I have never made a calculation on the subject; but I am speaking of the stipends of the minor canons and other officers, and the repair of the fabric, and the like. I should not think it would do anything near it.

3022. I am talking of the dean and six canons, apart from other capitular charges?—I understood the question to imply that they should have an estate for the payment of their own incomes and of all their expenditure.

3023. The expenditure for the maintenance of the estate only; would a rental such as I have mentioned be sufficient?—I have not calculated it. I am incapable of saying what would be a proper rental.

3024. Without going into details as to the margin, what, in your opinion, would be the effect of such a transfer of landed estate; would it be satisfactory to the chapter, or not?—I think it would, from what I have heard.

3025. That would be accompanied with an ouster from an interest in all the other property?—Yes. I do not myself think it reasonable that the chapter should have the management of 60,000 *l.* a year, having so small an interest, but for the same reason, the Commissioners having no interest at all, I do not think that they should have the management of a very large property. The argument applies more strongly still against them.

3026. They are trustees of the common fund?—Yes, but they have no personal interest. The argument is against bodies of men having the management of property in which they have no personal interest. They only act upon their sense of their own duty.

3027. Lord *R. Cecil.*] The dean and chapter might act as trustees, might they not?—Yes.

3028. Mr. *Mowbray.*] Have the chapter any opportunities of inspecting the books of the Commissioners, in which we are told that these sums are separately entered?—I do not know that they have. They have never asked to inspect them. Whether the Commissioners would grant it or not I cannot tell.

3029. Mr. *Walpole.*] There has been no complaint upon that ground, I understand, has there?—We never asked to inspect the books.

3030. Mr. *Ingham.*] Do the chapter hold much property in ground-rents?—No; I do not think there is any instance of it.

3031. Do not you think that that would be an eligible description of property, easily collected, and with very abundant security?—Yes; no doubt it would have that advantage. If the rents were small in proportion to the real value the security would be good.

3032. It would be upon a good class of houses?—Yes; no doubt that would be an advantageous investment, but the fact of the chapter being merely the owners of a ground-rent would not give them the same consequence which the possession of property itself would give.

James Jell Chalk, Esq., called in; and further Examined.

3033. Lord *R. Cecil.*] CAN you furnish the Committee with a Return of all the expenses incurred by the Ecclesiastical Commissioners in opposing private Bills in their passage through Parliament, distinguishing those cases in which the opposition has not been persisted in, and stating separately the expenses of each case?—I can. *J. J. Chalk*, Esq.

3034. In the account rendered by you as a "summary of receipts and payments," I see that under "receipts" there is under the item "any other sources," 2,800,000 *l.* odd. Under the item "other payments" there is 1,900,000 *l.* odd. Will it be in your power to amend that summary, by stating those large sums in rather more detail?—That question is rather vague. They certainly could be stated more in detail, and if you will state the particular heads that you require it shall be done. In making that return I followed strictly the order for it. *Vide* Appendix, 287.

3035. With reference to receipts, for instance, the bishops' estates are stated at

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at 356,000*l.*; the capitular estates at 460,000 *l.*; the other sources at 2,800,000 *l.*; what other sources are there besides bishops' and chapters' estates?—There are sales and purchases of stock; receipts of money for the sale of estates, and payments for the purchase of estates.

3036. Do not those pass through the hands of the Church Estates Commissioners, and not of the Ecclesiastical Commissioners?—Not with respect to the estates vested in the Ecclesiastical Commissioners.

3037. Then you might add the item at all events, "sale of estates"?—"Sale of estates" and "purchase of estates." There is a great difficulty in doing it, for this reason, that the accounts of the Commissioners, which commenced with very small figures, have gradually expanded, and from time to time the system of keeping the accounts, and the system of rendering them in the reports, has been altered. It has been improved from time to time, and the same sort of items are not now found under the same heads that they were originally, and under these circumstances there is very great difficulty in bringing into one uniform shape accounts which range over 20 years.

3038. Sir *J. Graham.*] When was the last improved system of keeping the accounts recommended by Mr. Anderson finally adopted by the Commissioners?—The last improvement, I think, was about the year 1849 or 1850; I think 1850.

3039. Your accounts extend over 20 years, and the improved system of double entry and all the alterations and improvements suggested by Mr. Anderson have only existed in your books for about five or six years?—I am not prepared to say that; they have been altered from time to time; Mr. Anderson saw them many years ago; I am not prepared to say what was the precise alteration on each occasion.

3040. When was the last review by Mr. Anderson, and when was his recommendation finally adopted?—That I cannot say offhand. I have never had any charge of the accounts myself, and I cannot say, without inquiry, when these changes have been made. I alluded more particularly to the reports which have been laid before Parliament. The account now before the Committee is stated to be a summary of the accounts which have been laid before Parliament, and it will be seen, upon reference to them, that the same items are not to be found in the earlier accounts, which are in the later ones; they were set out differently. It is very difficult to bring them under one head, from the fact of there having been alterations in the mode of rendering them.

3041. The heads of account and the branching were the alterations mainly recommended by Mr. Anderson, and those were used for the first time within the last six or seven years?—The system of double entry has always been used in the office, and a very elaborate search of the books might enable a person conversant with them to get out the account asked for, but it would be a very long and tedious process. What we have endeavoured to do in this instance is to compile a short account from the accounts, as they have been rendered to Parliament; but if you compare the account rendered last year with the account rendered 10 years ago, you will not find the same items; they have been differently distributed; and the difficulty is in bringing them now all under the same headings.

3042. Within what period has the account remained unaltered, as it now stands?—The last three reports are all of them, I think, upon very nearly or quite the same principle; but previously to that it will be seen that there was no distinction made between income and capital. A number of improvements have from time to time been introduced; but that is one which strikes me at this moment as the main improvement.

3043. Then, for the purpose of complete comparison, the last three or four years afford ample opportunity?—I think so.

3044. Because the accounts have been unaltered during that time?—Not materially altered.

3045. The form of the account for the last three years has been unaltered?—The form of the account has not been materially altered.

3046. Mr. *Walpole.*] Would there be any inconvenience in rendering an account for the last three or four years in greater detail than the summary which is now given, so as to satisfy Lord Robert Cecil's question?—None whatever.

3047. Perhaps you would not object, by the next meeting of the Committee, to furnish an addition to that summary, by giving us the details during the last three or four years?—I will do so.

Vide Appendix, page 288.

3048. Lord *R. Cecil.*] Does the item, "Capitular estates," include not only the separate estates which have fallen into the hands of the Commissioners, but the

the payments of the respective chapters?—It includes, I believe, only the shares of the capitular revenues received by the Commissioners.

3049. Does not it include the dean's separate estates?—No; those estates are vested in the Commissioners, and will be found under that head.

3050. Mr. *Mowbray*.] Will you refer to the Appendix, with respect to the receipts from the diocese of Durham; the receipts from that diocese are set down there at 335,309 *l.*?—Yes. *Vide* Appendix, page 286.

3051. In addition to which there is the Maltby Fund, 21,275 *l.*?—Yes, that is a voluntary gift.

3052. The expenditure is set down at 72,196 *l.*?—Yes.

3053. And there is a further item of expenditure of 92,890 *l.*; is that 92,890 *l.* part of the 335,309 *l.*?—I suppose it is.

3054. Is it not rather composed of an endowment which was given to the University of Durham by the Act of Parliament, and other endowments in respect of local claims, which do not form part of the receipts under the head of the 335,000 *l.*?—I do not quite understand your question.

3055. From what was the 92,890 *l.* derived?—It is the fee-simple value of lands transferred to the University of Durham and to certain livings, but chiefly to the University of Durham in part of its endowment, which by the Act of Parliament the Commissioners are required to make.

3056. Then does that fee-simple value of the land form part of the 335,309 *l.*, entered in this Return under the head of receipts?—I am inclined to think not. This account was not prepared by me, it was prepared by the accountant; but I am inclined to think not, because it was a transfer of land, and therefore it could not have been part of this cash.

3057. It is a transfer of land pursuant to the Act of Parliament, I think?—The Act merely provides that they shall complete the endowment.

3058. In fact, it is a transfer of land pursuant to the Act of Parliament, but not an expenditure by the Ecclesiastical Commissioners within the diocese of Durham?—The Act of Parliament required the Commissioners to complete the endowment of the University of Durham, and part of that is the fee-simple value of land, which in pursuance of that provision they have transferred to the university.

3059. They have not transferred that to the university out of the 335,000 *l.*?—I think not.

3060. So that, in fact, that 92,890 *l.* ought not to be added to the 72,196 *l.*, so as to make the expenditure 165,086 *l.*, within the diocese of Durham, as against 335,309 *l.* receipts; but the sum of 92,890 *l.*, if it is to appear under the head of expenditure, should also appear under the head of receipts?—It is given separately, you observe, and attention is drawn to that fact, that it is the fee-simple value of the land transferred.

3061. It is given separately, but the sums are subsequently added together. If it was to be added to the expenditure side, should it not have been equally added in fairness to the receipt side?—No, I think not. The whole of this return is extremely unfair, and gives a very false impression as to the state of things.

3062. It is a return prepared in the office, is it not?—Yes, but it is prepared according to your requisition; and the question is not, I conceive, by this means fairly raised.

3063. In what do you consider the unfairness to consist?—I think that what is the permanent annual income derived by the Commissioners from the diocese of Durham, and what their permanent liability to the diocese, is a fair question; but to pack together for a number of years the actual sums received, and the actual sums paid, does not produce a fair result.

3064. But does not this account show in each year what has been the total sum received, and what has been the total sum expended?—Yes, that is very true.

3065. Then is it correct to state that it is packed together in one sum?—Yes, they are all packed together; all that we have received for a great many years is packed together into 335,000 *l.*, and the payments into 165,086 *l.*, without this apparent disproportion being relieved by reference to the comparative permanency of the charge and discharge.

3066. The receipts of each year having previously been stated under the head of that year?—Yes; capital, and income, and all sorts of things, are mixed up together; it does not give at all a true view of the case.

Veneris, 25° die Aprilis, 1856.

MEMBERS PRESENT.

Lord John Russell.
Marquis of Blandford.
Sir James Graham.
Mr. Wilkinson.
Mr. Walpole.
Mr. Ingham.
Lord Robert Cecil.
Mr. Evelyn Denison.
Sir William Heathcote.
Mr. J. A. Smith.
Lord Robert Grosvenor.
Mr. George Butt.
Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

John George Shaw Lefevre, Esq., C. B.; further Examined.

J. G. S. Lefevre, Esq., C. B.

25 April 1856.

3067. *Chairman.*] IS there any part of your evidence which you wish to explain?—In my evidence, in answer to one of the earlier questions, I spoke of the unanimity of the Church Estates Commissioners. Of course, what I then said I thought was the case, and our proceedings left upon my mind such an impression of harmony between us, that I did not, at the moment, recollect that we had had any disagreements; but there have been some few instances brought under my attention of subjects which came before the Estates Committee, in which the Estates Commissioners were not all of the same opinion, and one of them, I think, is of sufficient importance to make it desirable that I should mention it. It was quite in the early part of our proceedings, under the Episcopal and Capitular Estates Management Act. It may be recollected that the Lords' Committee of that year laid down certain principles upon which enfranchisements should take place. The Act did not enact those principles, but it was understood (at least I understood) that it was intended that we should nevertheless carry them into effect. Accordingly, when we began to proceed under that Act, Mr. Goulburn did not altogether agree with us as to the binding effect of those resolutions. So far as I recollect, he did not think that they were necessarily applicable to the dealings by the Estates Committee in their enfranchisements. On the other hand, Lord Chichester, who had been a member of that Lords' Committee, and I, who had attended as a spectator the whole time, and watched its proceedings, felt strongly that we ought to act upon the principles laid down in the Report of that Committee. Mr. Goulburn gave way to us; he did not, I think, actually protest formally, but it was in that sense that he gave way to us, as being only one, while we were two. This difference of view continued, even beyond our first Report; but afterwards Mr. Goulburn changed his opinion, and from that time forward we had no further difference on that subject at all. It being a matter of principle and of very considerable importance, and it having been brought to my attention, I thought it right that you should know it, although I did not recollect it at the time I was examined.

Vide Question 2284.

3068. Mr. *Walpole.*] That would show the advantage of having a third Commissioner in case of anything like a difference of opinion?—I admit that it is of importance.

3069. To a certain extent at least?—Yes, I admit that it was of importance at that time.

3070. But what I understood by your former answers was that there was generally a perfectly harmonious action of the Board?—Perfectly.

3071. Though at the same time of course things would be discussed and ventilated, and would be all the better for being discussed and ventilated before a conclusion was come to?—I cannot give a better idea of the harmony of the Commission than my having altogether forgotten the difference which I have now mentioned.

3072. Mr. *Wilkinson.*] On the other hand, if there had not been a third member the difference would not have arisen?—I do not know that; a difference might still have arisen between Mr. Goulburn and Lord Chichester.

APPENDIX

TO

FIRST REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.

Ordered, by The House of Commons, *to be Printed,*
25 *April* 1856.

APPENDIX.

APPENDIX

TO

FIRST REPORT FROM THE SELECT COMMITTEE

ON THE

ECCLESIASTICAL COMMISSION, &c.

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Ecclesiastical Commissioners for England.

Chapter Accounts.

CHAPTER ACCOUNTS.

Circular Letter to Chapter Clerks.

Sir, Whitehall-place, 16 July 1853.

I am directed by the Ecclesiastical Commissioners for England to make to you the following communication respecting the accounts of the Dean and Chapter of , and to request that you will submit it to the Chapter at the earliest opportunity.

When the treasurers to this Board were appointed, under the provisions of the Act 13 & 14 Vict. c. 94, they found, that although accounts had been from time to time rendered, and payments made by the several Chapters in respect of suspended canonries, no final settlement had ever been come to, and they therefore lost no time in taking steps for concluding the several questions which had arisen on the subject. As, however, a simultaneous correspondence with all the Chapters affected could not but be attended with great inconvenience, it was deemed expedient to endeavour to effect with one alone a satisfactory arrangement, which might facilitate similar arrangements with the rest, and to this end a correspondence was opened with the chapter of Westminster, which, from various circumstances, has been prolonged beyond the time originally contemplated, and which has at length resulted in their communicating to the Commissioners a highly satisfactory plan, of which I enclose a printed copy.

The Commissioners have reason to believe that the Chapters of Canterbury, Ely, Exeter, Windsor, Chichester, Winchester, Salisbury, and Bristol, have approved the principles agreed on by the Chapter of Westminster and the Commissioners, and I am to request the favour of an answer on behalf of the chapter for which you act, as to whether they are prepared at once to adapt their accounts to this plan.

I am to add, in respect to the periodical dividends and the balance to be left in the treasurer's hands, but the latter would naturally vary in amount according to the current expenditure of each Chapter, and if a half-yearly dividend instead of a quarterly would be more convenient to your Chapter, it would be equally satisfactory to the Commissioners.

(signed) *James J. Chalk.*

FORM of ACCOUNT, &c., prepared by the Dean and Chapter of Westminster.

Memorandum.

9 March 1852.

The members of chapters met in Jerusalem Chamber this day desire to express their readiness to prepare such forms of accounts as will enable the Ecclesiastical Commissioners to see at once that the dividends paid to them "in respect of suspended canonries or shares of canonries are such as the holders of the several canonries, if they had remained in possession, 'or in full possession,' would have been entitled to receive."

They have also considered the question submitted to them by the Earl of Chichester, in his letter to the Sub-dean of Westminster, relative to the right of Chapters to make donations from the corporate revenues previous to division. With every desire to meet his Lordship in the spirit of friendly communication which has influenced his letter, they cannot but feel persuaded that the best guarantee against undue liberality in making grants out of the corporate funds, previous to the declaration of a dividend, is found in the interest of the individual members of the capitular bodies. But, while they are clearly of opinion that their discretion in the administration of their own revenues is not controlled by the Act of 3 & 4 Victoria, cap. 113, they nevertheless are not unwilling to concur in the understanding that these grants shall be confined to the promotion of religious and charitable objects in those places in which their property is situated, and where their position as a cathedral church demands it of them.

LETTER from the Rev. the Lord *John Thynne* to the Earl of *Chichester*.

My Lord, Cloisters, Westminster Abbey, 7 April 1853.

IN compliance with your wish, expressed when I had the honour of an interview with your Lordship and Mr. Goulburn on the 16th ultimo, I have called the attention of the Chapter of Westminster to the observations of Mr. Aston on the Westminster Chapter accounts, and herewith enclose them, with explanations on such matters as appeared to require explanation.

Your Lordship is aware that we have prepared a new form of account, adapted to the modern system and our altered condition by reason of our relation to your Board, and that such form will meet the objections raised by your accountant. At the same time it is my duty to repeat that neither our predecessors or we have found inconvenience in the system heretofore employed, which has stood the test of many years, that there has been no misappropriation of the capitular funds, and that the accounts have never been passed or signed without closest examination, and after comparison with those of former years, and with attestation by vouchers for every payment.

The new arrangements will commence at Michaelmas next.

The receiver's book will show all receipts, and the sources whence derived.

The treasurer will give account of the application of the capitular revenues.

The steward will give in detail all disbursements in respect to the collegiate establishment.

An abstract will be made yearly, and a copy will be furnished to your Board, if required, and your officer will have access, at reasonable times, to the accounts, as audited by the chapter.

The treasurer will report to the Chapter the balance quarterly, when a dividend will be made, reserving 2,000*l.* for the current expenses of the ensuing quarter.

By these arrangements the wishes of your Board will, I believe, be fully met.

(signed) *J. Thynne*,
Sub-Dean of Westminster.

LETTER from the Rev. the Lord *John Thynne* to the Earl of *Chichester*.

My Lord, Cloisters, Westminster Abbey, 25 April 1853.

IN accordance with the request of yourself and Mr. Goulburn, I herewith enclose copies of the forms of accounts which I submitted to you officially, as treasurers to the Ecclesiastical Commissioners for England, and which received your approval.

Nos. 1, 2, and 3, are respecting the accounts of the receiver, the treasurer, and the steward, in the form in which they will hereafter (from Michaelmas next), be presented to the Chapter for audit and kept.

No. 4, is the form of abstract which will be annually prepared, a copy of which, upon application, will be supplied to you by our officer.

These accounts will comprise the whole of the corporate revenues of this collegiate church. They will be closed on Michaelmas day annually, and audited at the usual time, viz., in the week immediately preceding the commencement of Lent next ensuing.

A balance of 2,000*l.* will, at each quarter-day (when a dividend will be made), be retained by the treasurer for the current expenses of the ensuing quarter.

An order will be given to the bankers (Messrs. Drummond), that whensoever the receiver's account shall reach the amount of 500*l.*, the whole of such account shall be transferred to that in the joint names of the sub-dean, treasurer, and steward, which will be styled "The General Fund of the Dean and Chapter of Westminster," any payment from which will only be made upon the written order of two at least of such officers. By which simple arrangement, coinciding with the principle of the statutes, it is believed that the funds of the Chapter will be as effectually secured from risk as by any arrangement that can be made.

(signed) *J. Thynne*,
Sub-Dean of Westminster.

No. 1.—RECEIVER-GENERAL'S ACCOUNT. - - - -

The RECEIVER-GENERAL _____ in account wi

For One Year, from Michaelm

Dr. INCOM

	Folio in Standard Book.		£.	s.	d.	£.	s.	
185 .		To Arrears of Rent due, Michaelmas 185 - -						
		To reserved Rents; viz.,						
		Bedfordshire - - - - - - - -						
		Berkshire - - - - - - - -						
		Bucks - - - - - - - -						
		Cambridgeshire - - - - - - - -						
		Essex - - - - - - - -						
		Gloucestershire - - - - - - - -						
		Herts - - - - - - - -						
		Hunts - - - - - - - -						
		Kent - - - - - - - -						
		Leicestershire - - - - - - - -						
		Lincolnshire - - - - - - - -						
		Middlesex - - - - - - - -						
		Norfolk - - - - - - - -						
		Oxfordshire - - - - - - - -						
		Rutlandshire - - - - - - - -						
		Suffolk - - - - - - - -						
		Wilts - - - - - - - -						
		Worcestershire - - - - - - - -						
		Westminster - - - - - - - -						
		London - - - - - - - -						
		To Fee-farm Rents - - - - - - - -						
		To Provision Rents - - - - - - - -						
		To Corn Rents - - - - - - - -						
		WHEAT:						
		Rev. J. King, 30 qrs., one moiety at £. per qr. - - - - - - -						
		The other moiety at the same price - -						
		Deduct 1-33d, by order 30 June 1829						
		Rich. Oakley, 90 qrs. 4 bush. - - -						
		One moiety at £. per qr. - -						
		The other moiety at £. per qr. -						
		Deduct 1-33d, by order 30 June 1829						
		J. B. Lawes, 14 qrs. at £. per qr. -						
		Sir T. N. Abdy, 30 qrs. at £. per qr. -						
		Deduct 1-33d, by order 15 June 1834						
		Total Wheat Rents - -						
		MALT:						
		George Bramwell, 15 qrs. at £. per qr. - -						
		Jas. Roberts and Jas. Cowdery, 10 qrs. at £. per qr. - - - - - - - -						
		J. C. Bourchier, 1 qr. 3 bush. at £. per qr. -						
		Henry Schultz, 1 qr. - - - - - - -						
		Thomas Goodlake, 20 qrs. 7 bush. at £. per qr. -						
		J. W. Palmer, 16 qrs. 6 bush. at £. per qr. -						
		Farmers of Steventon Parsonage, 2 qrs. at £. per qr. - - - - - - - -						
		Copyholders of Steventon Manors, 22 qrs. 6 bush., at £. per qr. - - - - - - -						
		Thomas Brown, 40 qrs., at £. per qr. - -						
		Sir T. N. Abdy, 30 qrs., at £. per qr.						
		Deduct 1-32d - - - - -						
		Total Malt Rents - -						
		To Bailiffs or Quit Rents - - - - - - -						
		Carried forward - - - £.						

- - - - No. 1.—RECEIVER-GENERAL'S ACCOUNT.

_____ the TREASURER of the DEAN AND CHAPTER of WESTMINSTER.

5* to Michaelmas 185 .

CCOUNT. Cr.

		£.	s.	d.	£.	s.	d.
85 .	By Cash to Drummonds and Co. to the joint Account of the Sub-dean, Treasurer, and Steward, "The General Fund Account" - - - - -						
	By ditto - ditto - ditto - - -						
	By ditto - ditto - ditto - - -						
	By ditto - ditto - ditto - - -						
	Carried forward - - - £.						

20.

Folio in Standard Book.		£.	s.	d.	£.	s.
	Brought forward - - -					
185	To Rack Rents:					
	Henry Chibnall, 4 quarters to 185 - -					
	Edward Groves, 3 quarters to 185 - -					
	Rev. J. Jennings, 4 quarters to 185 - -					
	Josiah Towne, 4 quarters to 185 - -					
	Edward Cooper, 4 quarters to 185 - -					
	Geo. Allen, 4 quarters to 185 - - -					
	J. Collett, 4 quarters to 185 - - -					
	J. Devonport, 4 quarters to 185 - -					
	The Tenants of the Coate and Snodshill Estates, 1 year to 185 - - - - -					
	To Land Tax redeemed - - - - - -					
	To profits of Copyhold Courts:					
	Whethampstead with Harpenden - - - -					
	Home with Langford - - - - - -					
	Offord Cluny with Offord Darcy - - - -					
	Oakham with Baileythorpe - - - - -					
	Mathon - - - - - - - -					
	Atchlench - - - - - - - -					
	Binholm - - - - - - - -					
	Turweston - - - - - - - -					
	Launtoo - - - - - - - -					
	Islip with Fencot and Murcot - - - -					
	Steventon - - - - - - - -					
	Bognor with Courage and Bivis Court - - -					
	Knightsbridge with Westbourn Green - - -					
	Longden with its Members - - - - -					
	Plaston otherwise Deerhurst - - - -					
	Frostenden - - - - - - - -					
	Westbury - - - - - - - -					
	To Profits of Office of High Bailiff of Westminster -					
	To Dividends on Monies invested in the Funds:					
	At the Bank:					
	1 year's dividend on £. Reduced, to 5th Apr. 185					
	Ditto on £. Consols, to 5th July 185 - -					
	½ year's dividend on £. Consols, to 5th July 185					
	Ditto on £. Consols, to 5th July 185 - -					
	1 year's dividend on £. Consols, to 5th Jan. 185					
	At Accountant General's:					
	1 year's dividend on £. Consols, to 5th July 185 , Oxford and Worcester Railway Company - -					
	1 year's dividend on £. Consols, to 5th July 185 , London and South-western Railway Company - - - - - - - -					
	½ year's dividend on £. Consols, to 5th Jan. 185 , Bucks Railway Company - - -					
	To Fines per the Chapter Clerk on Renewals of Leases:					
	On Leases sealed Dec. 185 - - - -					
	Ditto Feb. 185 - - - -					
	Ditto April 185 - - - -					
	Ditto June 185 - - - -					
	Ditto Sept. 185 - - - -					
	To Fees on Nomination of Knights of the Bath, as per account rendered - - - - - - -					
	To Fees on Funerals, as per book - - - -					
	To Fees on Monuments, as per book - - -					
	Carried forward - - - £.					

	£.	s.	d.	£.	s.	d.
Brought forward - - -						
By Cash to Drummonds and Co. to the joint Account of the Sub-dean, Treasurer, and Steward, "The General Fund Account" - - - - - -	—	—	—			
By - ditto - ditto - - - -	—	—	—			
By - ditto - ditto - - - -	—	—	—			
By - ditto - ditto - - - -	—	—	—			
By Land Tax, &c. allowed to the several Lessees on all Rents received to Michaelmas 185 - -						
By Property Tax - ditto - ditto -						
By Arrears of Rent due Michaelmas 185 . - -	—	—	—			
By Balance to Drummonds and Co. to the joint Account of the Sub-dean, Treasurer, and Steward, "The General Fund Account" - - - -	—	—	—			
Carried forward - - - £.	—	—	—	—	—	—

	Folio in Standard Book.		£	s.	d.	£.	s.	d.
		Brought forward - - -						
185 .		To Miscellaneous Receipts:						
		Return of Property Tax, 1 year, to 185 , on account of the Almsmen £. , the 40 poor Widows £. , and Queen's Scholars £. , net of expenses, &c. - - - - - -						
		The Queen's Scholars charge in aid of cost of new buildings, being on further account of monies advanced from General Fund on that account, 1 year, to Whitsuntide 185 - - - -						
		The Westminster Improvement Commissioners, 6 months' interest on balance of their purchase monies, at 4 per cent., from 1st October 185 to 1st April 185 , less property tax, as per settled account - - - - - - -						
		The Surveyor of Houses, for dilapidations at No. 1, Little George Street - - - - -						
		£.						

Dr. CAPITAL

			£.	s.	d.	£.	s.	d.
185 .		To Consideration Money, per the Steward of the Copyhold Manors, for the Enfranchisement of Land in Knightsbridge Manor by the Grand Junction Canal Company - - - - - - - -						
		To the like for Land in Oakham Manor by the Midland Railway Company - - - - - -						
		To Sale of £. Consols (part of £.) to pay first instalment for new houses in the Sanctuary, less commission and attendances - - - - - -						
		To Sale of £. Consols (further part of £.) to pay second instalment for new houses in the Sanctuary, less commission and attendances - - -						
		£.						

	£.	s.	d.	£.	s.	d.
Brought forward - - -						
£.						

CCOUNT. Cr.

	£.	s.	d.	£.	s.	d.
By Cash to Messrs. Drummond & Co., to the joint Account of the Sub-dean, Treasurer, and Steward, "The General Fund Account" - - - - -						
£.						

No. 2.—TREASURER'S ACCOUNT. - - - - -

The TREASURER _____ in Account w

For One Year from Michael

Dr. INCO

			£.	s.	d.	£.	s.	
185	.	To Balance of last year's account brought forward -	——	——	——			
		To Cash, per the Receiver-general - - - -	——	——	——			
		To - - ditto - - ditto - - - - - -	——	——	——			
		To - - ditto - - ditto - - - - - -	——	——	——			
		Carried forward - - - £.	——	——	——	——	——	

- - - - - No. 2.—TREASURER'S ACCOUNT.

the DEAN AND CHAPTER OF WESTMINSTER.

to Michaelmas 185 .

COUNT. Cr.

Folio in Standard Book.		£.	s.	d.	£.	s.	d.
	By paid the Steward, as per his account - - -						
	By paid to the Dean and Canons and suspended and charged deanery and canonries their statutable stipends and the Dean's customary allowances, and also the fees on investiture of Knights of the Bath, funerals, and monuments - - - - - - -						
	By the Minor Canons' Statutable Stipends and Customary Allowances:—						
	The 1st Minor Canon or Precentor - - -						
	„ 2d - ditto - ditto - - - -						
	„ 3d - ditto - ditto - - - -						
	„ 4th - ditto - ditto - - - -						
	„ 5th - ditto - ditto - - - -						
	„ 6th - ditto - ditto - - - -						
	By the Officers' Statutable Stipends and Customary Allowances:						
	The Sub-Dean - - - - - - -						
	„ Treasurer - - - - - - - -						
	„ Steward - - - - - - - -						
	„ Archdeacon - - - - - - -						
	„ Term Lecturer - - - - - -						
	„ High Steward - - - - - -						
	„ High Bailiff and Searcher of Sanctuary -						
	„ Auditor - - - - - - - -						
	„ Steward of the Manorial Courts - - -						
	„ Receiver-general - - - - -						
	„ Chapter Clerk - - - - - -						
	By the Statutable Stipends and Customary Allowances to the Choir:—						
	The 1st Singing-man - - - - -						
	„ 2d - ditto - - - - - -						
	„ 3d - ditto - - - - - -						
	„ 4th - ditto - - - - - -						
	„ 5th - ditto - - - - - -						
	„ 6th - ditto - - - - - -						
	„ 7th - ditto - - - - - -						
	„ 8th - ditto - - - - - -						
	„ 9th - ditto - - - - - -						
	„ 10th - ditto - - - - - -						
	„ 11th - ditto - - - - - -						
	„ 12th - ditto - - - - - -						
	Deputies for their services on Sundays till decease of seven seniors now living - - - -						
	The Organist and Master of the Choristers - -						
	The 12 Choristers - - - - - -						
	Organ-blower - - - - - - -						
	Additional Organ-blower - - - - -						
	Organ Tuner - - - - - - -						
	Carried forward - - - £.						

	£.	s.	d.	£.	s.	d.
Brought forward - - -						
185 . To Cash per the Receiver-General - - - -						
To ditto ditto - - - - - -						
To ditto ditto - - - - - -						
Carried forward - - - £.						

Folio in Standard Book.		£.	s.	d.	£.	s.	d.
	Brought forward - - -						
185 .	By payments to the servants and others connected with the Church their statutory stipends and customary allowances :—						
	The Surveyor of the Fabric - - - -						
	„ 1st Sacrist - - - - - - -						
	„ 2d Sacrist - - - - - - - -						
	„ 1st or Dean's Verger - - - - -						
	„ 2d or Canon's Verger - - - -						
	„ 1st Bellringer - - -						
	„ 2d ditto - - - -						
	„ 3d ditto - - - -						
	„ 4th ditto - - - -						
	For ringing on special occasions -						
	Abbey Constable - - - - - - -						
	Winding the Abbey Clocks - - - -						
	By the Library Keeper's stipend - - - -						
	By payments to the 12 almsmen their statutable stipends and customary allowances - - - -						
	By expenses of Copyhold Court-keeping - - -						
	By expenses at law - - - - - - - -						
	By permanent taxes :—						
	Paving and lighting College Street a year, Michaelmas 185 - - - - - - - -						
	Commissioners of Paving of St. John's, a donation to 185 towards gas lamps upon the college wall - - - - - - - -						
	Regent Street Commissioners for paving, lighting, and watering opposite the east end of the abbey, a year to 185 - - - - - -						
	Metropolitan Police Assessments for the year 185						
	By distribution of Dame Grace Gething's charity :—						
	For a sermon preached on Ash Wednesday - -						
	For bread for the poor on the same day - - -						
	By annual subscriptions :—						
	Middlesex clergy, widows, and children to 185 - - - - - - - - - -						
	Day school for girls at Bassingbourn to 185						
	National School for the education of the poor to 185 - - - - - - -						
	Choir Benevolent Fund to 185 - - -						
	Society for Protection of Life from Fire to 185 - - - - - - - - - -						
	By donations and grants - - - - - - -						
	By insurances :—						
	One year to the Sun Fire Office of the farm buildings at Coate and Snodshill to 185 for £.2,200 - - - - - - - -						
	One year's insurance to the Westminster Fire Office of the houses in hand to 185 for £.900 - - - - - - - - -						
	By the Bailiffs' stipends and wages - - - -						
	By stipends, payments, and augmentations to the several Vicars and Curates - - - - - -						
	By taxes on fee-farm rents - - - - -						
	By an ancient payment, styled a portion of the profits arising from the High Bailiwick of Westminster, to be applied to Fabric Fund - - - - - -						
	By property tax on leasehold fines to 185						
	By property tax on copyhold fines to 185						
	By cost of surveys for leasehold fines - - -						
	Carried forward - - - £.						

			£.	s.	d.	£.	s.	d.
		Brought forward - - -						
185 .		To Cash per the Receiver General - - - -						
		To ditto ditto - - - -						
		To ditto ditto - - - -						
		£.						

Dr. CAPITA

			£.	s.	d.	£.	s.	d.
185 .		To Cash per the Receiver General - - - -						
		£.						

	Folio in Standard Book.		£.	s.	d.	£.	s.	d.
		Brought forward - - -						
185 .		By miscellaneous payments - - - - - -						
		By dividends to the dean and canons and suspended and charged deanery and canonries and fabric -						
		On day of 185 - - - -						
		On day of 185 - - - -						
		On day of 185 - - - -						
		On day of 185 - - - -						
		By Balance in the Treasurer's hands, carried to next year's account - - - - - - - - -						
		£.						

CCOUNT. Cr.

			£.	s.	d.	£.	s.	d.
185 .		By purchase of £. Consols net of commission, &c., being the amount of sums received per contra and ordered to be invested - - - - -						
		By the third instalment to the contractor for new houses building in the Sanctuary, as per certificate of the architect - - - - - - - -						
		£.						

No. 3.—STEWARD'S ACCOUNT. - - - - - -

The STEWARD _____ in account with

For One Year from Michaelmas

Dr.

			£.	s.	d.	£.	s.	d.
185 .		To Cash of the Treasurer - - - - - -						

Carried forward - - - £.

- - - - - - - No. 3.—STEWARD'S ACCOUNT.

_____ the TREASURER of the DEAN AND CHAPTER of WESTMINSTER,

185 to Michaelmas 185 .

Cr.

	Folio in Standard Book.		£.	s.	d.	£.	s.	d.
85 .		On account of the school:						
		By the head master's statutable stipend and customary allowances - - - - -						
		By the second master's statutable stipend - -						
		By the statutable stipends and customary allowances to the college servants:						
		The scholars' butler and brewer - - -						
		„ cook - - - - - - -						
		„ scullion - - - - - -						
		„ laundress - - - - - -						
		The first verger, for attending scholars at early service on first Sundays in the month - -						
		College porter for the like service - - -						
		Attendant on the hot water apparatus for warming school and dormitory - - - - -						
		By bills for the election dinners - - - -						
		By expenses at the election (the electors and their assistants) - - - - - - - -						
		By tradesmen's bills:						
		Meat - - - - - - - - - -						
		Butter - - - - - - - - -						
		Vegetables, &c. - - - - - - - -						
		Cheese - - - - - - - - -						
		Bread - - - - - - - - -						
		Grocery - - - - - - - - -						
		Milk - - - - - - - - -						
		Beer - - - - - - - - -						
		Ingredients used in commons - - - -						
		Patent fuel - - - - - - - - -						
		Coals - - - - - - - - - -						
		Coke - - - - - - - - - -						
		Charcoal - - - - - - - - -						
		Wood - - - - - - - - - -						
		Gas - - - - - - - - - -						
		Turnery - - - - - - - - -						
		Ironmonger and tinman - - - -						
		By miscellaneous payments:						
		For scholars' gowns - - - - - - -						
		Wilson & Son for table cloths for College Hall -						
		Collins & Co. for tea and glass cloths for College Hall - - - - - - - - -						
		Bill for carthen bread pans for the use of College Hall - - - - - - - - -						
		By amount of payments for the school - - -						
		On account of the college establishment:						
		By statutable stipends and customary allowances to servants:						
		The College porter - - - - -						
		Beadle of the Sanctuary - - - -						
		Constable of the Precincts - - -						
		College gardener - - - - -						
		College watchman - - - - -						
		Early - ditto - - - - -						
		By bills for the audit dinner, &c. - -						
		Carried forward - - - £.						

			£.	s.	d.	£.	s.	d.
		Brought forward - - -						
185								

	Folio in Standard Book.		£.	s.	d.	£.	s.	d.
		Brought forward - - -						
185 .		By tradesmen's bills:—						
		Candles - - - - - - - - -						
		Wine, for election and audit dinners, &c. - -						
		Communion Wine - - - - - -						
		„ Bread - - - - - - -						
		Porter's gown - - - - - - - -						
		Beadle's gown - - - - - - - -						
		A great coat for College watchman (every third year) - - - - - - - - -						
		By alms by statute:—						
		To the 40 widows:—						
		In Meat - - - - - - - - -						
		Bread - - - - - - - - -						
		Money - - - - - - - -						
		To the 16 widows:—						
		In Bread - - - - - - - -						
		By miscellaneous payments:—						
		Sweeping chimnies:—						
		Washing surplices - - - - - - -						
		Beating carpets - - - - - - - -						
		Cloth for table in Chapter Room - - - -						
		£.						

No. 4.—GENERAL ABSTRACT OF ACCOUNTS.

The TREASURER _____ in account with

Dr. INCOME

			£.	s.	d.	£.	s.	d.
185		To balance of last year's account brought forward -						
		To cash per the Receiver General for Rents:						
		Arrears from 185 - - - -						
		Reserved - - - - - - - -						
		Fee Farm - - - - - - - -						
		Provision - - - - - - - -						
		Corn - - - - - - - - -						
		Quit - - - - - - - - -						
		Rack - - - - - - - - -						
		Total Rents - - -						
		For land tax redeemed - - - - - -						
		For profits of copyhold courts - - - - -						
		For profits of office of High Bailiff - - - -						
		For dividends on stocks - - - - - -						
		For leasehold fines - - - - - - -						
		For fees on nomination of Knights of the Bath - -						
		For fees on funerals - - - - - - -						
		For fees on monuments - - - - - -						
	A.	For miscellaneous receipts as per account - - -						
			£.					

- - - - No. 4.—GENERAL ABSTRACT OF ACCOUNTS.

the DEAN AND CHAPTER of WESTMINSTER.

CCOUNT. Cr.

			£.	s.	d.	£.	s.	d.
85 .		By amount of the Steward's account for school and other customary payments in respect of the College -	—	—	—			
		By paid the deans, canons, and suspended and charged deanery and canonries their statutable stipends and the dean's customary allowances, and also the fees on investiture of the Knights of the Bath, funerals, and monuments - - - - - - - - -	—	—	—			
		By paid to minor canons, officers, choir servants, library keeper, almsmen, and others their statutable and customary payments - - - - - -	—	—	—			
	B.	By expenses of copyhold courts, law, taxes, rates, insurances, and surveys, as per account - - -	—	—	—			
		By distribution of Dame Gething's charity on Ash Wednesday - - - - - - - - -	—	—	—			
	C.	By annual subscriptions, as per account - - -	—	—	—			
	D.	By donations to churches and schools, &c., as per account - - - - - - - - - -	—	—	—			
		By customary payments and augmentations to vicars and curates - - - - - - - - -	—	—	—			
		By a portion of the profits of the High Bailiff to be applied to fabric fund - - - - - - -	—	—	—			
	E.	By miscellaneous payments, as per account - -	—	—	—			
	F.	By dividends, to the dean, canons, and suspended and charged deanery and canonries, and fabric, as per account - - - - - - - - -	—	—	—			
		By Balance carried to next year's acco unt - - -	—	—	—			
		£.						

Dr. CAPITAL

			£.	s.	d.	£.	s.	d.
185		To Cash per the Receiver General:						
		For enfranchisement of copyhold land in Manor - - - - - - - - - -						
		For the like of land in Manor - -						
		For sale of £ Consols to pay for new houses in the Sanctuary, less commission, &c. - -						
		For sale of £ Consols for the like purpose -						
		£.						

ACCOUNT.

Cr.

			£.	s.	d.	£.	s.	d.
185		By purchase of £. Consols, net of commission, &c., being the amount of sums received per contra, and ordered to be invested - - - - - -						
		By paid the contractor for the new houses erecting in the Sanctuary - - - - - - - -						
		£.						

			£.	s.	d.	£.	s.	d.
185	A.	Miscellaneous receipts:—						
		Return of property tax, one year, to 185 - - - - - -						
		Repayment of advances to the school account to 185 - - - - -						
		Westminster Improvement Commissioners, interest on purchase monies to 185 - - - -						
		Surveyor of houses for dilapidations - - -						
	B.	Expenses of copyhold courts, law, taxes, rates, insurances, and surveys:—						
	1	Expenses of courts:—						
		Keeping courts - - - - - - - -						
		Steward's account for letters, parcels, &c. - -						
		Ditto general bill - - - - - - -						
		Bailiff of Whethampsted for journeys, &c. -						
		Sub-bailiff of manors in Gloucester and Worcester -						
		Bailiff's wages - - - - - - -						
	2	Law:—						
		Solicitors' costs, town and country - - -						
	3	Taxes and rates:—						
		Paving and lighting College-street - - -						
		Regent-street Commissioners - - - -						
		Metropolitan police - - - - - - -						
		Watering rate - - - - - - - -						
		Taxes on fee-farm rents - - - - -						
		Land tax, &c. allowed lessees - - - -						
		Property tax allowed to lessees on all rents - -						
		Ditto on leasehold fines - - - -						
		Ditto on copyhold fines - - - -						
	4	Insurances:—						
		One year on farm buildings at Coate and Snodshill for £2,200 to 185 - - - -						
		One year on houses in hand to 185 - -						
	5	Surveys:—						
		For leasehold fines - - - - - -						
		For - - - - - - -						
			£.					

			£.	s.	d.	£.	s.	d.
85 .	C.	Annual subscriptions:—						
		Middlesex clergy, widows, and children to 185 - - - - - - - -						
		Day school for girls at Basingbourn to 185 - - - - - - - -						
		National schools for education of the poor to 185 - - - - - - - -						
		Choir Benevolent Fund 185 - - -						
		Society for Protection of Life from Fire to 185 - - - - - - - -						
	D.	Donations to churches and schools - - - -						
	E.	Miscellaneous payments:—						
	1	Sundry bills in respect to the church and officers, &c.:—						
		Wax chandler - - - - - - - -						
		Registrar - - - - - - - - -						
		Receiver - - - - - - - - -						
		Gas lighting - - - - - - - -						
		Oil lamp lighting - - - - - - - -						
		Stationer - - - - - - - - -						
		Gasfitting - - - - - - - - -						
		Choir music - - - - - - - -						
	2	Repairs, rentcharges, and other expenses on rack-rent estates:—						
		Audit of Swindon estate rents - - - - -						
		Bill for repairs at ditto - - - - - -						
		Rentcharges ditto - - - - - - -						
		Surveyor advertising - - - - - - -						
	3	Sundry small and miscellaneous payments under £						
	4	Dividends to the dean, canons, &c.:—						
		On day of 185 - - -						
		On day of 185 - - -						
		On day of 185 - - -						
		On day of 185 - - -						
		£.						

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CHAPTER ACCOUNTS.

CORRESPONDENCE, &c., relating to the Accounts of the CHAPTER of DURHAM.

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Appendix.

Ecclesiastical Commissioners England.

Chapter Accounts.

Durham Chapter.

Dear Sir, College, Durham, 1 December 1853.

I BEG to forward herewith the usual annual statement of the accounts of the Dean and Chapter of Durham, as required by the Ecclesiastical Commissioners.

(signed) *Samuel Rowlandson.*

LETTER from Accountant to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 8 December 1853.

I HAVE, on behalf of the Ecclesiastical Commissioners for England, to request the favour of your attention to the following observations as to the annual statement of the accounts of the Dean and Chapter of Durham, transmitted by your letter of the 1st instant, viz.:

	£.	s.	d.
1. Second charged Canonry:—Canonical stipend - - - -	610	19	3
Third charged Canonry:—Canonical stipend - - - -	1,000	–	–

Full sum abated, instead of net amount, after deduction of income tax.

2. Wood Fund (Fabric) Account.

Details not furnished, but it is presumed that the details both of receipts and payments are duly audited.

	£.	s.	d.
3. Sons of the Clergy Society, for 1853 - - - - -	40	–	–
Durham Training School - - - - - - -	100	–	–
Durham Church Building Society - - - - - -	105	–	–

The grounds upon which these somewhat unusual payments are charged against the capitular revenues should be explained.

4. An explanation is required of the following item, now introduced into the Treasurer's Account with the Commissioners, viz.:

	£.	s.	d.
Treasurer's salary on paying the dividends on the two last charged Canonries - - - - - - - - -	4	4	–

(signed) *B. R. Aston.*

LETTER from *Samuel Rowlandson*, Esq., to the Accountant.

Dear Sir, College, Durham, 15 December 1853.

I AM in receipt of yours of the 8th instant, requesting attention, on behalf of the Ecclesiastical Commissioners, to sundry observations therein, as to the annual statement of accounts of the Dean and Chapter of Durham, transmitted by me on the 1st instant.

I reply to them in the order as numbered by you.

1. I have communicated with the Canons interested in this inquiry, and so soon as I have their views on this matter they shall be forwarded to you.

2. The

2. The Wood Fund (Fabric) Account, the details both of receipts and payments, are duly audited with the general account.

3. The subscriptions there mentioned are all old payments made from the capitular revenues; that to the Sons of the Clergy Society, since the year 1830, at the rate of 20 *l.* per annum, but augmented to 40 *l.* in the year 1851; that to the Durham Training School, since its opening in 1840; and that to the Diocesan Church Building Society since 1830.

4. In the first scheme prepared by Mr. Murray, for charging the Dean and Canons of Durham, the Treasurer's salary, on paying the dividends, was provided for in his (Mr. Murray's) calculations, and made payable by the Dean and Canons. Under the present scheme no such provision, I conclude, was contemplated. As the party, therefore, in actual receipt of the dividends, I conceived I was justified in charging the Ecclesiastical Commissioners with these small stipends.

(signed) *Samuel Rowlandson.*

LETTER from *Samuel Rowlandson*, Esq., to the Accountant.

Dear Sir, College, Durham, 16 December 1853.

I AM this morning in receipt of a communication from the Canons interested in your inquiry, No. 1, of the 8th instant, and in reply I am directed to say that "the Ecclesiastical Commissioners not having paid the income tax on the estate from which the 610 *l.* 19 *s.* 3 *d.* and the 1,000 *l.* is deducted, have no claim to the return of it from the Canons, and that the income tax has already been paid to Government on these very sums."

(signed) *Samuel Rowlandson.*

LETTER from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 24 December 1853.

DURHAM CHAPTER ACCOUNTS.

I HAVE submitted to the Ecclesiastical Commissioners for England the statement of these accounts, which accompanied your letter of the 1st instant, together with your observations on certain points raised by Mr. Aston with reference thereto; and I am directed to acquaint you that the Commissioners consider that the undermentioned sums, which are included in the accounts, are scarcely within the principle of capitular payments, towards which the share of the corporate revenues payable to them should be contributory, viz.:

	£.	s.	d.
Sons of the Clergy Society, for 1853	40	–	–
Durham Training School	100	–	–
Durham Church Building Society	105	–	–
Treasurer's salary on paying dividends on the two last charged Canonries	4	4	–

(signed) *J. J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 24 November 1854.

A QUESTION having arisen as to the right of the Ecclesiastical Commissioners to receive from Mr. Maltby and Archdeacon Bland, in addition to the surplus of 1,000 *l.*, a sum of money equivalent to the income tax on that sum, I have been directed by them to take the opinion of counsel on the claim; but as the value of any opinion must depend on the statement of the case, and as the Canons do not, of course, wish to take an opinion on an *ex-parte* statement, but on one containing every particular necessary to a correct conclusion, they wish to know whether the Commissioners will concur with them in taking an opinion. If the Commissioners should agree to this proposal I will draw up a statement of the case, and send it to you for correction before it is submitted to counsel.

(signed) *W. Charles Chaytor.*

Appendix.

Ecclesiastical Commissioners for England.

Chapter Accounts.

Durham Chapter.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 27 November 1854.

DURHAM CHAPTER REVENUES.—INCOME TAX ON ACCOUNTING CANONS.

IN answer to your letter of the 24th instant, I beg leave to submit that the question is merely one of account, and consequently that there is no necessity for taking the opinion of counsel.

There is no law or provision, that I am aware of, to relieve a Canon of Durham, whatever may be the amount of his income, or from whatever source it may be derived, from the payment of income tax, and as the tax on the whole of the corporate revenues has been discharged before division, the claims of the Government have been fully satisfied.

Unless, therefore, the Commissioners are credited with the income tax on the statutory incomes of Accounting Canons, it is manifest that such Canons will be altogether relieved from income tax, at the expense of the Commissioners.

(signed) *J. J. Chalk.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 1 December 1854.

HEREWITH I beg to forward you the Accounts of the Dean and Chapter of Durham for the capitular year ending Michaelmas 1854, and showing the balance due to the Ecclesiastical Commissioners. The income tax question, with reference to the two last charged Canonries, is, I expect, the subject of a correspondence with yourself and Mr. Chaytor here.

(signed) *Samuel Rowlandson.*

LETTER from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 23 January 1855.

I HAVE duly received the Accounts of the Dean and Chapter of Durham for the capitular year ending Michaelmas last, which accompanied your letter of the 1st ultimo.

Before entering into the question of these accounts, I am to observe that not only has no satisfactory answer been given to the objections raised to the accounts of 1853 (so as to admit of the final settlement of them), but the items to which objections had been raised in that year appear again in those now before me.

The main ground of objection is the unauthorised charge of certain payments on the whole corporate revenue.

When the whole of the Chapter revenues were divisible among the members of Chapter, it was immaterial whether payments for any objects approved by the Chapter were made before or after division. In either case the payment caused an equivalent deduction from the income of each individual entitled to share, and was, in fact, a payment out of his individual income. But Parliament thought fit to place at the disposal of the Ecclesiastical Commissioners for special purposes a portion of the Chapter revenues, and to assign more or less fixed incomes to the members of Chapter. Payments, therefore, not strictly capitular, such as, for instance, those for personal service or private charities, could only be made out of the income which the law assigned to the individual dignitaries. It never was contemplated, it would not have been just, that the members of Chapter should be at liberty to charge at their discretion the funds assigned to the Ecclesiastical Commissioners for objects which they, without any sanction from the Ecclesiastical Commissioners, deemed it advisable to promote. The Ecclesiastical Commissioners have no desire to control in the slightest degree the liberality of members of Chapter, but they cannot sanction payments made out of the capitular revenue for purposes not strictly capitular, unless sanctioned or approved by them. The Commissioners, therefore, deem it more advisable to postpone entering on the accounts of 1854, until a settlement has been made of those of 1853, and request that you will take immediate measures for bringing them to settlement.

(signed) *J. J. Chalk.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 26 January 1855.

IN your letter of December 24th, 1853, you say "The Commissioners consider that the undermentioned sums are scarcely within the principle of capitular payments, towards which the share of the corporate revenue payable to them should be contributory." Understanding this according to the usual interpretation of words, the Dean and Chapter of Durham supposed you to mean that the sums in question were within the principle, though only just within it, and that the Commissioners, though they had their scruples, yet did not prohibit the continuance of those payments.

On

On this supposition they acted, and they are still convinced that they were justified in so doing.

They are persuaded that the Commissioners on further consideration will not allow this misunderstanding, if such it be, to occasion any postponement of the settlement of the accounts of 1853 and 1854. In regard to the current year, your letter of January 23d expresses very clearly the present meaning of the Commissioners, and it will receive the respectful attention of the Dean and Chapter.

(signed) *Samuel Rowlandson.*

LETTER from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 27 February 1855.

DURHAM CAPITULAR REVENUES.

I DULY received your letter of the 26th ult., and am directed to acquaint you that after your explanation the Ecclesiastical Commissioners for England are not disposed to insist upon the objections which they raised to those items in the accounts of 1853, to which notice had not been previously directed, with the exception of the income tax upon the income of the accounting canons of the second and third canonries, but they deem it to be their duty to disallow as charges against the capitular revenues the following items, which, notwithstanding the expression of their opinion as to their impropriety in the accounts of 1853, recur in the accounts of the year 1854, viz.:

	£.	s.	d.
Sons of the Clergy Society -	40	–	–
Ditto - (a donation) - - - - - -	50	–	–
Durham Training School - - - - - -	100	–	–
Diocesan Church Building Society - - - - - -	105	–	–

The Commissioners think that it will be obvious to the Chapter that when the Chapter divided their whole income among the members of it, it was matter of indifference whether such payments were made in the first instance out of the Chapter funds, or out of the portions assigned to each individual dignitary, but that, so soon as the law assigned a part of those Chapter funds to other specific objects, the Chapter could not justly appropriate those funds, however praiseworthy in themselves might be the purposes of such appropriation, and justly calling for the contribution of individuals.

I am further to request fuller information than the Commissioners at present possess of certain payments detailed in the accompanying Statement, marked A., extracted from the accounts of 1854. (*See* page 255.)

The following further inquiries also arise upon the account last rendered, viz.:

1. Why the second dividend only is credited in respect of the third suspended canonry, the vacancy causing the suspension having occurred on the 1st April 1853?

2. Why the charge for expenses of express messages to Eaglescliffe for the Rev. H. Maltby to attend a chapter meeting, 15*s.* 8*d.*, should not be paid out of seal fees, which do not appear to have been carried to and merged in the general account?

3. Why installation fees are carried to the Library fund?

4. The following payment appears to be rather an investment, and therefore chargeable, in strictness, against capital, viz., "To Mr. George Wilkinson, purchase-money for premises at South Shields, 115*l.* 1*s.*

(signed) *J. J. Chalk.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 1 March 1855.

DURHAM CAPITULAR REVENUES.

IN the remarks on your letter of December 24th, 1853, which I addressed to you on January 26th ultimo, I showed that the Dean and Chapter of Durham did not understand your words to convey a prohibition; and therefore, without remark, they deliberately continued the subscriptions in question during 1854. By this determination, it is still their intention, in regard to the three charities, to abide.

But as these matters appear to be now assuming a new form, and as it is most important to avoid all misunderstanding, the Dean and Chapter respectfully request you to inform them on what ground exactly the Ecclesiastical Commissioners found their legal right to regulate the expenditure of this Chapter.

I will send explanations of the various items to which you refer as soon as possible.

(signed) *Samuel Rowlandson.*

Appendix.

Ecclesiastical Commissioners for England.

Chapter Accounts.

Durham Chapter.

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 9 March 1855.

DURHAM CAPITULAR REVENUES.

IN conformity with your request for fuller information of certain payments detailed in your statement, marked A., extracted from the accounts of 1854, I beg to offer the following. I return a copy of the items numbered, to which I refer in my remarks.

Items 1, 2 and 3, I think, sufficiently explain the purport of the expenditure in each case; excepting that as to Item 1, I may state that a large part of the snow was removed from the roof of the cathedral.

Item 4. This expenditure occurred for the first time in the year 1841, when the present Dean (Dr. Waddington) was instituted, under the provisions of the Act 3 & 4 Vict. c. 113. By the provisions of this Act, certain officers of the Church, whose statutable duty it was to keep hospitality residence, and distribute benefactions to certain poor people out of properties assigned expressly for those purposes, were deprived of the properties in question. The Dean and Chapter at the time took the matter under their consideration, and agreed and ordered that the treasurer do make the payments in which the poor were concerned, as specified in the list now exhibited, from the common fund, for each and every Dean and Canon appointed, or to be hereafter appointed, and for every canonry suspended under the said Act.

These payments were formerly made by the Dean and Canons in respect of the estates assigned to them for the maintenance of hospitality; but these estates having passed to the Ecclesiastical Commissioners under the 3 & 4 Vict. c. 113, the Commissioners might perhaps be fairly charged with the whole of these payments, instead of paying only a portion, as at present.

COPY of LIST Exhibited.

	£.	s.	d.
Eight King's beadsmen and their wives, 2 *s.* each	1	12	–
Four Bishop's beadsmen, four beadswomen, and one nurse, 2 *s.* 6 *d.* each	1	2	6
Church porter, organ-blower, two bell-ringers, and one sub-verger, 2 *s.* each	–	10	–
Two stick-choppers, 2 *s.* each	–	4	–
Thirty church widows, 2 *s.* each	3	–	–
Bread to the poor people in the several parishes	4	3	4
The butler, for attendance	2	11	4
The under-butler, for ditto	2	1	6
	15	3	–
Extra to the butler for the Dean's Close Residence	1	1	–
Extra to the under-butler for the Dean's Close Residence	–	10	6
	1	11	6
	16	14	6

The same remark applies to Nos. 5, 6, 7, 8, 9 and 10.

No. 11, which is a very old payment, explains itself, as do also Nos. 12, 13, 14, 15, and 16.

I may remark on No. 17, that the piece of plate presented to Mr. Davidson was a mark of respect on his retiring, after 30 years of very efficient services as land surveyor to the Dean and Chapter.

No. 18. The letter-bag in question was to replace an old one which had been long in service, and which was much too small.

Nos. 19, 20, and 21 sufficiently explain themselves.

No. 22. On the death of Dr. Miller, late vicar of Pittington, it was represented to the Dean and Chapter that his family were left completely destitute, and aid solicited on their behalf; hence the benefaction of 200 *l.*

No. 23. Assistance to an old servant.

No. 24. A donation to his wife and family after his decease.

No. 25. The widow of an old servant.

No. 26. The expenditure in this case was incurred at the request and on the recommendation of the head-master of the school, who represented to the Dean and Chapter the great necessity of these additional buildings, in order to the more efficient management of the school.

The

The payment is a strictly capitular payment, the Dean and Chapter being bound by the statutes to support the school, which is a part of their original foundation. Payments for the support of the grammar-school are specifically sanctioned by the 49th section of 3 & 4 Vict. c. 113.

To your further inquiries, I beg to refer to them as they are numbered in your letter.

1st. The first dividend was of arrears due in the previous year. As far as regards the third suspended canonry, these arrears were due and paid to the incumbent of that canonry, who was entitled to all the proceeds thereof up to Michaelmas 1853.

2d. The charges for express messengers have always been made against the general fund. The seal fees, as explained in my accounts, are divisible by the Dean and those members of Chapter only who are present at each sealing.

In this case a special Chapter was held to seal a conveyance under 14 & 15 Vict. c. 104, on which no seal fees were paid to the Dean and Chapter.

3d. Installation fees have always been handed over to the Library fund.

4th. The payment in this case, perhaps, ought otherwise to have been stated. In 1853, Mr. George Wilkinson purchased a concurrent lease of certain property at North Shields, upon which he had a mortgage for the sum of 230 *l.* 2 *s.*, in the expectation, no doubt, that he might be able to dispose of it at such a rate as to release him from any loss. The premises, however, were in such a wretched condition in point of repair, that no party could be induced to take them at any price. On a representation of this fact to the Dean and Chapter, they agreed on his express wish to release him of his bargain, and to return him one-half of the purchase money, viz., 115 *l.* 1 *s.* The premises are now in the possession of the Dean and Chapter, whose bailiff at South Shields has instructions to put them into an efficient state of repair. This completed, they will again be offered for sale. The Commissioners in 1853 received their portion of the 230 *l.* 2 *s.*, and in 1854 are charged their portion of the 115 *l.* 1 *s.*

(signed) *Samuel Rowlandson.*

Statement, marked A, referred to in the foregoing Letter, and in Mr. *Chalk's* Letter of 27th February 1855.

	£.	s.	d.
1. Shovelling snow, College roofs, &c.	15	12	–
2. Leading rubbish, ashes, &c., from the College and College houses	28	3	–
3. Preparing and leading fire-wood to the houses in the College	44	7	6
4. To sundry poor people per Chapter Regulations for the Dean's Close residence	16	14	6
5. Ditto for the Rev. Mr. Edwards'	15	3	–
6. Ditto for the Rev. H. Maltby's	15	3	–
7. Ditto for the Ven. Archdeacon Bland's	15	3	–
8. Ditto for suspended Canonry, 2d stall	15	3	–
9. Ditto ditto 5th ditto	15	3	–
10. Ditto ditto 12th ditto	15	3	–
11. To the Society for Promoting Christian Knowledge	10	10	–
*12. To the Sons of the Clergy Society for 1854	40	2	–
13. To ditto, a Donation	50	–	–
*14. To the Durham Training School	100	–	–
15. To distressed Clergymen in Diocese of York	5	5	–
*16. To the Diocesan Church Building Society	105	–	–
17. To Messrs. Thomas, New Bond-street, for a piece of plate presented to Thomas Davidson, Esq., late Surveyor to the Dean and Chapter	94	–	–
18. To Thomas Scawin, for a letter-bag for the College Postman	1	1	6
19. To the Rev. Wm. Hayes, a Gratuity of	20	–	–
20. To David Flintoff, gardener, during his illness	5	–	–
21. To the Rev. Joseph Forster, of Edmondbyers, a gratuity on account of ill-health	20	–	–
22. To the fund raised on behalf of the family of the late Rev. Dr. Miller	200	–	–
23. To John Smith, carpenter, during his illness	6	10	–
24. To Charlotte Smith, his widow, a donation after his decease	10	–	–
25. To Ann Robinson, widow of the late R. Robinson, a donation	5	–	–
26. To the fund towards erecting new class rooms, &c., at the Grammar-school	600	–	–

* See Mr. Chalk's letter of the 24th December 1853, as to similar payments for the year 1853, which remains unanswered.

Appendix.

Ecclesiastical Commissioners for England.

Chapter Accounts.

Durham Chapter.

LETTER from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 16 March 1855.

DURHAM CAPITULAR REVENUES.

I HAVE submitted to the Ecclesiastical Commissioners for England your letter of the 1st instant, in which you inquire "on what ground exactly the Ecclesiastical Commissioners found their legal right to regulate the expenditure of the Chapter."

If you refer to my letter of the 23d January, you will see that the Commissioners do not claim a right to regulate the expenditure of the Chapter, but merely deny the Chapter's right to apply the capitular revenues before division to any other than capitular purposes.

You will observe that by the Act 3 & 4 Vict., c. 113, s. 49, all the profits and emoluments of every suspended canonry are to be paid to the Ecclesiastical Commissioners for England, in like manner as the holder of such canonry, if he had remained in possession, or the successor thereto, if a successor had been appointed, and had duly qualified himself by residence and otherwise according to the statutes and usages of his Church, to receive his full portion of the emoluments thereof, would have been entitled to receive the same.

The Commissioners are advised that no appropriation of any part of the Chapter funds for any other than strictly capitular purposes will be good, except with the unanimous consent of the members of Chapter, or those entitled, as in the case of the Ecclesiastical Commissioners, to their shares.

The Commissioners desire me to express their anxious wish to avoid litigation or unnecessary discussions with the Dean and Chapter, and to assure you that it would be an occasion to them of sincere regret should it become their duty, with reference to the matter in question, to seek that relief which they are advised a court of equity would afford.

(signed) *James J. Chalk.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 19 March 1855.

I AM directed by the Dean and Chapter of Durham to acknowledge your letter of the 15th March instant, and to assure you that the very serious considerations which it involves shall receive their deliberate attention.

(signed) *Samuel Rowlandson.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, Durham, 1 May 1855.

THE Dean and Chapter of Durham have given their best attention to your letter of 15th March last, stating the grounds on which the Ecclesiastical Commissioners object to certain payments made by the Dean and Chapter in the year ending at Michaelmas last.

They have examined the Act of 3 & 4 Vict. c. 113, s. 49, cited by you. They have also referred to their Charter of Foundation and Statutes, and have taken the opinion of two eminent counsel; and they have come to the conclusion that they were perfectly justified in making the payments objected to.

The Foundation Charter of Henry VIII. recites that "he had made provision, among other things, for the instruction of youth, for the maintenance of the aged and infirm, and for the distribution of alms, so that these and other pious offices of every kind springing up thence might flow abroad far and wide into all the neighbouring places, to the glory of Almighty God, and the general advantage and welfare of his subjects." And the Commission issued by Queen Mary for framing the statutes contains language to the same effect.

Some payments under the above heads are prescribed by the statutes; others have been made from time to time at the discretion of the Dean and Chapter, and have been included in the general expenditure of the body. And the continued exercise of this discretion appears to have been contemplated in the following words of the 49th section of 3 & 4 Vict., c. 113, cited in your letter, viz.:

"Provided also, that nothing herein contained shall be construed to affect the right of any chapter, according to the statutes or customs of such chapter in force at the passing of this Act, to make due provision out of the divisible corporate revenues for the maintenance of the fabric, the support of the grammar-school, if any, and all other necessary and proper expenditure."

The Dean and Chapter believe that under this clause they were fully authorised, in pursuance of the objects of their foundation, and according to the constant usage of their body, to make every one of the three payments in question, viz:

		£.	s.	d.
1.	To the Sons of the Clergy Society	40	–	–
	Ditto – – ditto – – a donation	50	–	–
2.	Durham Training School	100	–	–
3.	Diocesan Church Building Society	105	–	–

But

But even if their legal right were less clear they would still respectfully represent to the Ecclesiastical Commissioners, that considering their position as a wealthy Ecclesiastical body, the grants which they have hitherto been accustomed to make for spiritual, educational, and charitable purposes ought not to be discontinued or curtailed; such an alteration, they are convinced, would tend greatly to strengthen the hands of those who would abolish cathedral establishments altogether.

They therefore confidently anticipate that the Ecclesiastical Commissioners will, on a full consideration of the subject, adhere to the precedents of former years, and not insist on their recent objections.

The Dean and Chapter have also considered whether any means could be adopted for avoiding similar objections in future; and they are of opinion that certain definite annual sums might be agreed on for spiritual, educational, and charitable grants, and for other branches of the general expenditure of the Chapter. If a fair and liberal arrangement of this nature were concluded, the Dean and Chapter would engage not to exceed the several amounts fixed without the consent of the Ecclesiastical Commissioners.

(signed) *Samuel Rowlandson.*

Letter from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 9 May 1855.

Durham Chapter Revenues.

The Ecclesiastical Commissioners for England have had before them your letter of the 1st instant, and I am directed to express their desire to be favoured, if the Dean and Chapter have no objection, with a copy of the case and opinion of counsel to which you refer.

(signed) *J. J. Chalk.*

Letter from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 16 May 1855.

Durham Chapter Revenues.

I have submitted your letter of the 9th instant to the Dean and Chapter of Durham. They infer from the expressions contained in your letter of the 15th March last, viz., "that it would be an occasion to the Commissioners of sincere regret should it become their duty, with reference to the matter in question, to seek that relief which they are advised a Court of Equity would afford," that the Ecclesiastical Commissioners had taken the opinion of counsel on this subject. If this be the fact, and the Commissioners will be so good as to forward it with the case to the Dean and Chapter, the Dean and Chapter will then have great pleasure in sending the case and opinion for which you now apply.

(signed) *Samuel Rowlandson.*

Letter from the Secretary to *Samuel Rowlandson*, Esq.

Dear Sir, Whitehall-place, 25 May 1855.

Durham Chapter Revenues.

I have laid before the Ecclesiastical Commissioners for England your letter of the 16th instant, and am directed to explain to you in reply, that the advice given to the Commissioners on the point at issue, and referred to in my letter of the 16th March last, was included in an opinion given by the legal adviser of the Commissioners, on a case involving many other subjects in discussion with the Chapters of Salisbury and Westminster, which have no reference to the question at issue with the Chapter of Durham, and it does not therefore appear to the Commissioners that a communication of that case and opinion *in extenso* would be either useful or desirable.

Among the questions, however, so submitted was, "As to the propriety of the Treasurer's acquiescence in the division which appears to be adopted, and in the items of expenditure before division, in cases in which the money of which the canonries would otherwise have received a share, has been expended on objects to a greater or less degree apparently foreign to the purposes to which the Commissioners, as Trustees of such money, would feel at liberty to consent to its appropriation." And in order to prevent a doubt as to the nature of the payments to which reference was made, a list was transmitted of the several payments to which the Commissioners had objected.

The opinion of counsel was further asked as to the extent to which the provisions of the

Act 3 & 4 Vict., c. 113, s. 49, empowered the Commissioners to investigate or control such accounts and expenditure.

The advice given to the Commissioners was, that no appropriation of any part of the Chapter Funds for any other than strictly capitular purposes, would be good, except by the unanimous consent of the members of Chapter, or those entitled, as in the case of the Ecclesiastical Commissioners, to their share; and that it is clear that the Commissioners have the power of restraining the Dean and Chapter in equity from improperly or improvidently dealing with the capitular property.

(signed) *James J. Chalk.*

Letter from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 31 May 1855.

Durham Chapter Revenues.

I am instructed by the Dean and Chapter of Durham to thank you for your communication of the 25th instant, and to reply to it as follows.

The object of the Dean and Chapter of Durham, in taking the opinion of counsel, was to ascertain,—

Whether the three charitable subscriptions objected to, with implied menace of litigation by the Ecclesiastical Commissioners, were or were not "within the principle of capitular payments," which may be made at the discretion of the Dean and Chapter, under authority of the last clause of Act 3 & 4 Vict., c. 113, s. 49, "Provided also," &c.

And also, more generally, what descriptions of payment were, and what were not, authorised by the words "all other necessary and proper expenditure," in the same clause.

On these questions, the joint opinion of two eminent Chancery barristers is as follows:

"In principle, we think it must be considered that all the capitular revenues ought to be applied, either to the fulfilment of the specific objects prescribed by the statutes, or (in case there should be a surplus after the fulfilment of these objects) to such other purposes as may be consistent with the general scope of the objects of the foundation, or incident, within the limits of a reasonable and bonâ fide discretion, either to the management of the corporate property, or to the public position of the Dean and Chapter as an ecclesiastical corporation, standing in certain relations to the diocese and to the Church at large, or to the moral or social obligations (whether perfect or imperfect) arising out of the possession of such property and position."

Again, "If any expenditure, not coming within the principle already explained by us, should be made, we think it could not be sustained without the unanimous consent of the members of Chapter and the Commissioners; but, within the limits of that principle, we think the vote of a majority of the members of the Chapter must prevail, and we think they, and not the Commissioners, are the proper judges, within the limits of the discretion already mentioned, of what is necessary or proper expenditure. If, however, a question should arise whether the Dean and Chapter have exceeded their discretionary powers, and have applied part of the Chapter funds to purposes not capitular (whatever may be the sense in which that word ought to be understood), it does not appear to us that the decision of that question can rest with the the Dean and Chapter themselves, or that the Ecclesiastical Commissioners would be bound to resort to the judgment of the Visitor thereon; but we are disposed to think that such a question must be decided by the Court of Chancery. As to the kind or description of payments which in our opinion would be authorised, it is perhaps more easy to explain our view of the general principle than to define the mode of applying it. But we are disposed to think that subscriptions of money in aid of the ecclesiastical or educational wants of the diocese of Durham, or even of the Church at large, and probably also any expenditure for eleemosynary purposes, would be held to be within the competency of the Dean and Chapter, if of reasonable amount, and if made in conformity with any general usage or practice of the Chapter which prevailed before the passing of the Act 3 & 4 Vict., c. 43."

From my letter of May 1st, you would learn that expenditure for educational and eleemosynary purposes is prescribed by the statutes of this cathedral. The same is also in conformity with the long-established usage and practice of the Chapter of Durham.

(signed) *Samuel Rowlandson.*

Letter from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, 11, Whitehall-place, 10 January 1856.

Durham Chapter Revenues.—Income Tax on Accounting Canons.

Referring to my letter to you of the 27th November 1854, I am directed by the Ecclesiastical Commissioners for England to send you the accompanying statements of the amounts which they claim, viz., in respect of the canonry held by Mr. Maltby, 134*l.* 16*s.* 11*d.*; and of that held by Archdeacon Bland, 123*l.* 9*s.* 11*d.*; and to request that

that the same may be forthwith remitted. This matter having stood over so long, I am to ask the favour of an early answer, as the Commissioners feel that in the event of a non-compliance with this application, they would not be justified in any longer delaying to resort to a legal remedy.

(signed) *James J. Chalk.*

The Rev. *H. J. Maltby.*

	£.	s.	d.	£.	s.	d.
Statutable Stipend, one year to Michaelmas 1853 -	1,000	–	–			
Income Tax thereon at 7 *d.* in the pound - - - - - -				29	3	4
Statutable Stipend to Michaelmas 1854 - - -	1,000	–	–			
Income Tax thereon at 7 *d.* to 5th April, and 1 *s.* 2 *d.* thereafter - - - - - - - - - - - -				43	6	2
Statutable Income to Michaelmas 1855 - - -	1,000	–	–			
Income Tax thereon at 1 *s.* 2 *d.* to 5th April, and 1 *s.* 4 *d.* thereafter - - - - - - - - - - - -				62	7	5
			£.	134	16	11

The Venerable Archdeacon *Bland.*

	£.	s.	d.	£.	s.	d.
Statutable Stipend at 1,000 *l.* per annum from 17th February to Michaelmas 1853 - - - - - -	610	19	3			
Income Tax thereon at 7 *d.* in the pound - - - - - -				17	16	4
Statutable Stipend to Michaelmas 1854 - - -	1,000	–	–			
Income Tax thereon at 7 *d.* to 5th April 1854, and 1 *s.* 2 *d.* thereafter - - - - - - - - - - - -				43	6	2
Statutable Stipend to Michaelmas 1855 - - -	1,000	–	–			
Income Tax thereon 1 *s.* 2 *d.* to 5th April 1855, and 1 *s.* 4 *d.* thereafter - - - - - - - - - - - -				62	7	5
			£.	123	9	11

Letter from *W. C. Chaytor*, Esq., to the Secretary.

Sir, Durham, 11 January 1856.

Durham Chapter Revenues.—Income Tax on Accounting Canons.

In the absence of Mr. Chaytor I beg to acknowledge the receipt of your letter herein, together with the accounts enclosed.

As it appears to be a matter which the Chapter have nothing whatever to do with, I have forwarded copies of your letter and accounts to the Venerable Archdeacon Bland and the Rev. H. Maltby, and requested them to communicate with you on the subject.

(signed for Mr. Chaytor)
Edw. Beele.

Letter from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, 11, Whitehall-place, 12 January 1856.

Durham Chapter Revenues.—Income Tax on Accounting Canons.

With reference to your letter of yesterday's date, I think it right to say (lest my silence should be deemed an admission) that I do not concur in the view expressed on your behalf, that this is "a matter which the Chapter have nothing whatever to do with."

(signed) *Jas. J. Chalk.*

Letter from the Venerable Archdeacon *Bland* to the Secretary.

Auckland Castle, Bishop Auckland,
Dear Sir, 12 January 1856.

Your letter of the 10th instant, to W. C. Chaytor, Esq., in reference to income tax on accounting Canons at Durham, has just been forwarded to me; and I beg to inform you that, since my appointment to a canonry, as Archdeacon of Northumberland, I have not received the full statutable stipend of 1,000 *l.* per annum, but that the income tax has been deducted.

I understood, however, that the amount of that tax, on my canonry, had not yet been

Appendix.

Ecclesiastical Commissioners for England.

Chapter Accounts.

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remitted to the Ecclesiastical Commissioners, in consequence of some question which had been laid before them.

As I much wish this matter to be settled, I will write immediately to Mr. Maltby on the subject.

(signed) *George Bland.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 16 January 1856.

DURHAM CHAPTER REVENUES.—INCOME TAX ON ACCOUNTING CANONS.

I HAVE authority from Archdeacon Bland to pay over to the Ecclesiastical Commissioners for England the amount of their claim for income tax (123 *l.* 9 *s.* 11 *d.*), and have this day remitted the same to their credit at the Bank of England. I have not yet received Mr. Maltby's authority to the like effect, but he is at present in Northumberland, and possibly it may be a few days before I hear from him. When I have his communication, I will again write to you.

(signed) *Samuel Rowlandson.*

LETTER from *Samuel Rowlandson*, Esq., to the Secretary.

Dear Sir, College, Durham, 21 January 1856.

I HAVE Mr. Maltby's authority to pay over the income tax claimed by the Ecclesiastical Commissioners on his canonical stipend to Michaelmas last, and now beg to inform you that I have this day transmitted the amount (134 *l.* 16 *s.* 11 *d.*) to their credit at the Bank of England, under cover to Matthew Marshall, Esq.

(signed) *Samuel Rowlandson.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Episcopal Patronage.

Durham Bishopric.

EPISCOPAL PATRONAGE.

CORRESPONDENCE, &c., relating to the Patronage of the BISHOP of DURHAM.

LETTER from the Bishop of *Durham* to *J. G. S. Lefevre*, Esq.

Dear Sir, 4, Upper Portland Place, 21 June 1851.

I HAVE the honour to acknowledge the receipt of a communication from you, dated House of Lords, 7 June 1851.

With much regret I have perceived the remarks which I addressed to the Sub-Committee on Episcopal Patronage so little noticed; unaccompanied, indeed, with any alteration in the proposed scheme.

In this respect I share the feelings of the Bishop of Hereford, as I also concur entirely in the very judicious remarks he has made upon your whole process of "re-distribution."

As so little attention has been paid to the observations already laid before the Commissioners, it should seem of little use to attempt any further reasoning; nor am I aware that I could place my objections in a clearer light, or one more worthy their careful consideration. I shall therefore now content myself with stating, that the objections I have urged remain in full force, and with recapitulating the reasons for which, in my settled judgment, the diocese of Durham is entitled to far more consideration than it seems likely to receive.

1. The antiquity and high rank of the See.

2. The wealth which it has supplied, and continues to supply, to the purposes of the Ecclesiastical Commission in a far greater degree than any other See; I might almost say than all other Sees put together.

3. The

3. The fact that the wealth of the See is wholly furnished from the diocese itself.

4. The fact that all the livings in the patronage of the Bishop, with a single exception, lie within the diocese.

5. The rapid increase of population, from the opening out of new fields of coal, ironstone, &c., in consequence of the more ready access by railways, and from the impulse which large supplies of coal and iron give to the formation and extension of manufactures.

Lastly, I submit a circumstance which, it is not to be disputed, creates a palpable distinction between this and every other diocese, although I am far from contending that other dioceses also have not just ground for complaint against the Procrustean system, which is mercilessly disturbing arrangements so long subsisting and acted upon. I mean the establishment of a flourishing University at Durham, and which, being utterly destitute of that patronage which is possessed by the older Universities for the rewarding of their deserving members, must at an early period present occasions in continual succession for the fitting exercise of the diocesan's patronage. Honestly entertaining these opinions, and believing that the course entered upon by the acting portion of the Ecclesiastical Commissioners is not only unwarranted by law, in the extreme lengths to which they are proceeding, but likely to be very injurious in its effects upon the dignity and usefulness of the Church, I feel myself called upon to protest in the most solemn manner against any such scheme, and so feeling, I cannot take any part whatever in the arrangement, because the share I might have in communicating with other Bishops would carry the appearance of giving consent to a measure fraught, as I grieve to think, with more or less evil to the whole Church, and with the spoliation and degradation of that diocese which I have been appointed to administer, and whose rights I am bound, by all lawful means, to maintain inviolate.

(signed) *E. Dunelm.*

Letter from the Rev. *Temple Chevallier* to the Secretary.

Sir, Durham, 13 December 1853.

I am directed to forward to you the enclosed letter relating to the future disposal of the patronage of the See of Durham.

(signed) *Temple Chevallier*, Registrar.

Communication from the Warden and Senate of the University of *Durham* to the Ecclesiastical Commissioners for *England*.

University College, Durham,
December 1853.

The Warden and Senate of the University of Durham having been informed that a change is contemplated in the patronage of the See of Durham, to the effect that several preferments now in the gift of the Bishop of the said see are to be taken from the Bishops of Durham, and transferred to Bishops of other sees,—

Beg leave respectfully to represent, on behalf of the body to which they belong, that the establishment of the University in the diocese of Durham, in connexion with and under the jurisdiction of the Bishop, has brought within the care of the diocesan a new class of persons, the fellows, officers and graduates of the University, who may reasonably expect consideration in the exercise of patronage, and the rather because by the regulations of your Commission the tenure of the fellowships is limited to ten years, without the further prospect enjoyed by fellows of colleges in the foundations of Oxford and Cambridge, for neither are the fellows permitted to hold ecclesiastical preferment, nor are any livings assigned to the University to which the officers and other members may look when their academic course and duties are closed.

It is obvious that this circumstance places Durham at a disadvantage as compared with the other universities.

The Warden and Senate are encouraged to hope that in arrangements affecting the See of Durham the case of the University will not be forgotten, and in particular that sufficient patronage will be secured to the See of Durham to satisfy the fair claims of the members of the University, as well as of the clergy of the diocese.

Signed on behalf of the Warden and Senate,
Cha. Thorp, Warden.

Appendix.

Ecclesiastical Commissioners for England.

Episcopal Patronage.

Durham Bishopric.

Extract from Minutes of General Meeting, held 26 January 1854.

Confirmed 9 February 1854.

Read,—A Memorial from the Warden and Senate of the University of Durham, requesting that in any arrangement which the Commissioners may contemplate for the redistribution of the patronage of the See of Durham, special regard may be had to the wants and requirements of that institution.

Resolved,—That it be explained to the memorialists that the 40th recommendation of the Church Inquiry Commissioners, set forth in the Act 6 & 7 Will. 4, c. 77, defines the power under which the Commissioners are to alter the patronage of the bishoprick; that the Board are of opinion that this power does not authorise them to transfer any of the patronage of the See of Durham directly to the University of Durham; and they are also of opinion that they would not be justified in recognising the University as one of the elements which should be taken into account in estimating the relative magnitude and importance of the See of Durham with regard to other sees.

That the Board arrived at this conclusion sometime ago, after careful consideration and discussion of the subject, not only in reference to the University of Durham, but also with reference to the Universities of Oxford and Cambridge, and the respective Sees of Oxford and Ely, and that the patronage of the greater number of the sees in England has already been arranged in conformity with this view, and has been confirmed by Order in Council.

Letter from the Secretary to Rev. *Temple Chevallier*.

Sir, Whitehall-place, 13 February 1854.

Durham Episcopal Patronage.

I have laid before the Ecclesiastical Commissioners for England your communication of the 12th December last, transmitting a memorial from the Warden and Senate of the University of Durham, with reference to the patronage of the See of Durham, and I am directed in reply to point out to you on behalf of the memorialists, that the 40th recommendation of the Church Inquiry Commissioners, set forth in the Act 6 & 7 Will. 4, cap. 77, defines the principle under which the Ecclesiastical Commissioners are to alter the patronage of the bishopricks as follows, namely, "That such alterations be made in the apportionment or exchange of ecclesiastical patronage among the several bishops as shall be consistent with the relative magnitude and importance of their dioceses when newly arranged, and as shall afford an adequate quantity of patronage to the bishops of the new sees."

The Ecclesiastical Commissioners for England are of opinion that this power does not authorise them to transfer any of the patronage of the See of Durham directly to the University, and they are also of opinion that they would not be justified in recognising the University of Durham as one of the elements which should be taken into account in estimating the relative magnitude and importance of the See of Durham with regard to other sees.

The Board arrived at this conclusion sometime ago, after careful consideration and discussion of the subject, not only in reference to the University of Durham, but also with reference to the Universities of Oxford and Cambridge, and the respective Sees of Oxford and Ely, and the patronage of the greater number of the sees in England has already been arranged in conformity with this view, and has been confirmed by Order in Council.

(signed) *J. J. Chalk.*

Letter from the Venerable Archdeacon *Thorp* to the Secretary.

Sir, College, Durham, 27 March 1854.

I am desired to send to you a memorial from the Clergy of the Archdeaconry of Durham, to which we respectfully ask the attention of Her Majesty's Ecclesiastical Commissioners, trusting that the vast increase of our people, and the necessity of a larger body of clergymen, will be taken into consideration in dealing with their prayer.

(signed) *Cha. Thorp.*

To Her Majesty's Ecclesiastical Commissioners for *England*.

The Memorial of the Clergy of the Archdeaconry of *Durham*, in the Diocese of *Durham*, whose names are underwritten,

Sheweth,

Your memorialists being informed that a scheme is under the consideration of your Right Honourable Board, to the effect of removing from the See of Durham a large portion of the patronage attached to the see, and transferring the same to other sees, beg leave respectfully to ask your attention to the peculiar circumstances of the diocese of Durham, in the hope of arresting a measure injurious to themselves, and to those of the brethren whose interests they are bound to advocate.

They entreat your Honourable Board to observe the vast increase in the numbers of Durham, which being at the beginning of this century something more than 160,000, now approaches 450,000 souls, scattered through parishes of great extent, and in many cases without adequate endowment.

Your Board will recognise in this fact the necessity, not hitherto sufficiently understood, of a division of parishes, and of the introduction of a large body of clergymen fitted to, and charged with the onerous duties which must attach to a district suddenly overwhelmed by a new population.

Your memorialists beg to represent that clergymen engaged in such a field of labour have a just claim to be considered in the exercise of patronage, that the withdrawal of important preferment from the Bishopric of Durham must seriously affect their prospects, and that they are not likely to be regarded by a stranger to their merits and services in the same manner as by their diocesan.

Your memorialists will therefore earnestly desire that the patronage of all preferments now vested in the Bishop of Durham be retained to the see, and not alienated to bishops unconnected with this diocese.

(signed) *Cha. Thorp*,
Archdeacon of Durham.

And by 151 other persons.

Extract from Minutes of General Meeting, held Thursday, 27 April 1854.

Confirmed 11 May 1854.

Read,—A memorial from the Archdeacon and Clergy of the Archdeaconry of Durham, protesting against any portion of the patronage belonging to that see being abstracted and assigned to other sees, in the contemplated re-arrangement of episcopal patronage which is now before the Commissioners.

Resolved,—That the memorialists be assured that any re-arrangement of episcopal patronage which the Commissioners may recommend to Her Majesty in Council, will be made with the intention of complying to the best of their ability with the directions contained in the 40th proposition of the 1st section of the Act 6 & 7 Will. 4, c. 77.

Letter from the Secretary to the Venerable Archdeacon *Thorp*.

Whitehall-place, 15 May 1854.

Sir,

Durham Bishoprick Patronage.

I have submitted to the Ecclesiastical Commissioners for England your letter of the 27th ultimo, transmitting a memorial, signed by yourself and the clergy of the Archdeaconry of Durham, upon the subject of the contemplated re-arrangement by the Commissioners of the patronage belonging to that see; and in reply, I am directed to convey to you, on behalf of the memorialists, an assurance that any arrangement for the re-distribution of episcopal patronage which the Commissioners may recommend to Her Majesty in Council, will be made with the intention of complying to the best of their ability with the directions in that behalf contained in the 40th proposition of the first section of the Act 6 & 7 Will. 4, c. 77.

(signed) *J. J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Episcopal Patronage.

Durham Bishopric.

LETTER from *J. R. Mowbray*, Esq., M.P., to the Secretary.

19, Cambridge-square, Hyde Park,
10 July 1854.

My Lords and Gentlemen,

I HAVE the honour of forwarding herewith a memorial, very numerously signed by the late Lord Lieutenant of the county of Durham, the Duke of Cleveland, and a great proportion of the influential laymen of the county of Durham, relative to the ecclesiastical revenues and the spiritual wants of the diocese of Durham; and on behalf of the memorialists I earnestly solicit the favourable consideration of the Ecclesiastical Commissioners to the within memorial.

(signed) *J. R. Mowbray.*

To HER MAJESTY'S ECCLESIASTICAL COMMISSIONERS for *England.*

The Memorial of the Nobility, Gentry, and Others of the County of Durham, whose names are underwritten,

Sheweth,

YOUR memorialists being informed that a scheme is under the consideration of your Right honourable Board, to the effect of removing from the See of Durham a large portion of the patronage attached to the see, and transferring the same to other sees, beg leave respectfully to invite your attention to the peculiar circumstances of the diocese of Durham, in the hope of arresting a measure injurious to the county interests which they are bound to advocate.

They request your Honourable Board to observe the vast increase in the population of Durham, which, being at the beginning of this century something more than 160,000, now approaches 450,000 souls, scattered through parishes of great extent, and in many cases without adequate endowment.

Your Board will recognise in this fact the necessity, not hitherto sufficiently understood, of a division of parishes, and of the introduction of a large body of clergymen fitted to and charged with the onerous duties which must attach to a district suddenly overwhelmed with a new population.

Your memorialists respectfully represent that clergymen engaged in such a field of labour have a just claim to be considered in the exercise of patronage, that the withdrawal of important preferment from the bishopric of Durham must seriously affect their prospects, and that they are not likely to be regarded by a stranger to their merits and services in the same manner as by their diocesan.

Your memorialists will therefore earnestly desire that the patronage of all preferments now vested in the Bishop of Durham within the diocese of Durham be retained to the see, and not alienated to bishops unconnected with this diocese.

And your memorialists further request that none of the ecclesiastical revenues remaining to the diocese of Durham be taken away to other dioceses until the spiritual wants of this diocese are fully supplied.

(signed) *Vane Londonderry.*
Cleveland.
And by fifty other persons.

EXTRACT from Minutes of General Meeting, held Thursday, 13 July 1854.

Confirmed 27 July 1854.

Read,—A communication from Mr. J. R. Mowbray, M.P., transmitting a memorial, signed by himself and certain of the nobility and gentry of the county of Durham, protesting against any portion of the patronage belonging to that see being abstracted and assigned to other sees in the contemplated re-arrangement by the Commissioners of episcopal patronage, and also requesting that in the application of the funds accruing to the Commissioners from the diocese of Durham a preference may be shown to its local wants and requirements.

Resolved,—That the answer to be returned to the memorialists be similar to that given under the Resolutions of the 23d June 1853, and 27th of April last, to the memorials to the same effect from the clergy of the Archdeaconry of Durham.

LETTER from Secretary to *J. R. Mowbray*, Esq., M.P.

Whitehall-place, 29 July 1854.

Sir,

DURHAM BISHOPRICK.

THE Ecclesiastical Commissioners for England have had before them your letter of the 10th instant, transmitting a memorial signed by yourself and certain of the nobility and gentry of the county of Durham, upon the subject of the contemplated re-arrangement by the Commissioners of the patronage belonging to the see, and also requesting that, in the application of the funds accruing to the Commissioners from the diocese of Durham, a preference may be shown to the local wants and requirements of that district; and in reply, I am directed to convey to you, on behalf of the memorialists, an assurance that any arrangement for the re-distribution of episcopal patronage which the Commissioners may recommend to Her Majesty in Council, will be made with the intention of complying to the best of their ability with the directions in that behalf contained in the 40th proposition of the first section of the Act 6 & 7 Will. 4, c. 77.

With reference to the other request contained in the memorial, I am to call your attention and that of the memorialists to the statute 3 & 4 Vict. c. 113, from which you will perceive that the Legislature has determined the principle upon which the Ecclesiastical Commissioners should apply the funds accruing to them from the different Ecclesiastical Corporations.

When that measure was under discussion, the principle contended for by the memorialists was strongly urged, but Parliament decided against it, excepting only that, by the 67th section of the Act, it is provided that, "in making any additional provision for the cure of souls, out of any tithes or lands, or other hereditaments, allotted or assigned in lieu of tithes so vested or to be vested in the Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen."

You will thus perceive that the Commissioners cannot, consistently with the above provisions, select particular districts as having special claims for grants, on the ground of their being within a diocese from which a large portion of the common fund is derived.

The Commissioners are fully aware of the strong claims which many of the parishes and districts in the diocese of Durham have upon that fund, on account of large population and inadequate endowments, and those claims will be considered in common with similar ones in other dioceses, so soon as the fund is in a condition to justify the Commissioners in making further grants.

(signed) *J. J. Chalk.*

LETTER from *H. Waddington*, Esq., to the Secretary.

Whitehall, 5 February 1855.

Sir,

I AM directed by Viscount Palmerston to transmit to you the enclosed copy of a memorial from the county of Northumberland, forwarded to him by T. E. Headlam, esq., M.P., of whose letter also a copy is enclosed, against a scheme affecting the patronage of the diocese of Durham, and I am to request that you will submit the same for the consideration of the Ecclesiastical Commissioners.

(signed) *H. Waddington.*

LETTER from *Thomas E. Headlam*, Esq., M.P., to the Viscount Palmerston.

20, Ashley Place, Pimlico,
23 January 1855.

My Lord,

I HAVE the honour to enclose a memorial from the county of Northumberland against a scheme for withdrawing the patronage of the diocese of Durham from the bishop of that see.

I believe the subject is under the consideration of the Ecclesiastical Commissioners, and that whatever may be their scheme, it will require the assent of the Queen in Council.

I believe that the opinions expressed by the memorialists are very universally entertained in the diocese of Durham.

(signed) *Thos. E. Headlam.*

To the Viscount *Palmerston.*

Appendix.

Ecclesiastical Commissioners for England.

Episcopal Patronage,

Durham Bishopric.

The MEMORIAL of the Nobility, Gentry, Clergy and others of the County of Northumberland, whose names are under-written,

Sheweth,

THAT your memorialists have been informed that a scheme is under the consideration of Her Majesty's Ecclesiastical Commissioners for England, by which a very large portion of the patronage attached to the see and situate within the diocese of Durham, will be abstracted from it and transferred to other sees.

That no information has been afforded to your memorialists, explanatory of the grounds or reasons upon which a scheme so deeply affecting their interests has been entertained.

That the vast extent and rapidly increasing population of very many parishes in the counties of Northumberland and Durham, must render necessary a division of the diocese, a considerable subdivision of benefices, and a large increase in the number of ill-paid clergy.

That to deprive a bishop, under whose eye laborious and embarrassing duties are performed, of the means of rewarding those duties, must be unjust to the bishop, discouraging to the clergy, and injurious to the diocese.

That the obvious inconveniences arising from the appointment, by one bishop, of incumbents into the diocese of another, should be abated so far as possible, instead of being increased; and further, your memorialists would most respectfully, but most earnestly, remonstrate against any measure of this importance being adopted and enforced, without due reference and regard being first had to the feelings and wishes of the portion of the Church affected.

(signed) *Court Granville,*
Incumbent of Alnwick,

And by thirty-two other persons.

EXTRACT from Minutes of Special General Meeting, held Thursday, 15 February 1855.

Confirmed 22 February 1855.

Read,—A communication from Viscount Palmerston, Secretary of State for the Home Department, forwarding for the consideration of the Commissioners a memorial recently transmitted to his Lordship by Mr. Headlam, M.P., from certain of the nobility, gentry, clergy, and others of the county of Northumberland, protesting against any portion of the patronage belonging to the See of Durham being abstracted and assigned to other sees in the contemplated re-arrangement of episcopal patronage by the Commissioners.

Resolved,—That an answer be returned to this memorial similar to that given under the Resolution of the 27th April 1854, to a memorial to the same effect from the archdeacon and clergy of the archdeaconry of Durham.

LETTER from the Secretary to Right Honourable Sir *George Grey,* Bart.

Sir, Whitehall-place, 19 February 1855.

I HAVE submitted to the Ecclesiastical Commissioners for England the memorial from certain of the nobility, gentry, clergy, and others of the county of Northumberland, recently transmitted to Viscount Palmerston by Mr. Headlam, M.P., and forwarded to this office by his Lordship on the 5th instant, protesting against any portion of the patronage belonging to the see of Durham being abstracted and assigned to other sees in the contemplated re-arrangement by the Commissioners of episcopal patronage, and I am directed in reply to state, that any arrangement for the redistribution of episcopal patronage which the Commissioners may recommend to Her Majesty in Council, will be made with the intention of complying to the best of their ability with the directions in that behalf contained in the 40th proposition of the 1st section of the Act 6 & 7 Will. 4, cap. 77.

(signed) *J. J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

BISHOPS' AND CHAPTERS' INCOMES REGULATION.

RETURN of the CASES in which the COMMISSIONERS have arranged to secure a FIXED INCOME to any BISHOP or CHAPTER without any Transfer of Estates having been agreed upon; stating the Name of each Ecclesiastical Corporation, and the Amount of Income agreed upon.

Made up to 1st March 1856.

No. 1.—ARCHBISHOPS AND BISHOPS

Who have voluntarily placed themselves under the Provisions of the 17th Section of the Act 13 & 14 Vict. c. 94.

NAME OF CORPORATION.	AMOUNT OF FIXED INCOME.
	£.
York, Archbishop of	10,000
St. Asaph, Bishop of	4,200
Ely - - ditto	5,500
Ripon - - ditto	4,500
Worcester ditto	5,000

No. 1 *a*.—ARCHBISHOPS AND BISHOPS

Who are subject by Law to the Provisions of the 17th Section of the Act 13 & 14 Vict. c. 94.

NAME OF CORPORATION.	AMOUNT OF FIXED INCOME.
	£.
Canterbury, Archbishop of	15,000
Carlisle, Bishop of	4,500
Chester - ditto	4,500
Lincoln - ditto	5,000
Llandaff - ditto	4,200
Manchester, ditto	4,200
Norwich - ditto	4,500
Salisbury ditto	5,000

No. 2.—DEANS AND CHAPTERS.

NAME OF CORPORATION.	AMOUNT OF FIXED INCOME.	
	DEANS.	CANONS.
	£.	£.
St. David's, Dean and Chapter of	700	350
Durham - - - ditto	3,000	1,000
Hereford, Dean of	1,000	—
Lichfield, Dean and Chapter of	1,000	500
London - - - ditto	2,000	1,000
Manchester - - ditto	2,000	1,000
Peterborough - ditto	1,000	500
Ripon - - - - ditto	1,000	500
Salisbury - - - ditto	1,000	500
Wells, Dean of	1,000	—
Westminster, Dean and Chapter of	2,000	1,000

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

BISHOPS' AND CHAPTERS' ESTATES COMMUTATIONS.

RETURN of the CASES in which the COMMISSIONERS have agreed to make a MONEY PAYMENT to any BISHOP or CHAPTER, in Commutation of part or the whole of the Estates of such Ecclesiastical Corporation transferred to them; stating the Name of the Corporation and the Amount agreed upon to be paid by the Commissioners to each Ecclesiastical Corporation.

Made up to 1st March 1856.

No. 1.—ARCHBISHOPS AND BISHOPS.

NAME OF CORPORATION.	AMOUNT OF COMMUTATION PAYMENT.	
	ANNUITY.	GROSS SUM.
	£. s. d.	£. s. d.
Bath and Wells - - Bishop of - - -	5,000 - -	—
Chichester - - - ditto - - -	827 - -	—
Durham - - - - - ditto - - -	1,058 - -	—
Ely - - - - - - ditto - - -	- - -	10,646 8 7
Exeter - - - - - ditto - - -	1,186 3 4	2,324 - -
Gloucester and Bristol ditto - - -	365 - -	—
Lichfield - - - - ditto - - -	884 - -	—
London - - - - ditto - - -	45 - -	3,300 - -
Worcester - - - ditto - - -	65 - -	—

No. 2.—CHAPTERS.

NAME OF CORPORATION.	AMOUNT OF COMMUTATION PAYMENT.	
	ANNUITY.	GROSS SUM.
	£. s. d.	£. s. d.
Carlisle, Dean and Chapter of - - -	5,680 - -	16,200 - -
Chester - - ditto - - - - -	5,066 - -	—
Gloucester - ditto - - - - -	8,800 - -	—
Peterborough ditto - - - - -	6,210 - -	—
York - - - ditto - - - - -	4,435 - -	—

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

BISHOPS' AND CHAPTERS' ESTATES COMMUTATIONS.

CORRESPONDENCE, &c., relating to the Commutation of the ESTATES of the CHAPTER of YORK, and the Provision of a Permanent ESTATE in possession for the ENDOWMENT of that CHAPTER.

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 4 June 1852.

I AM desired to inform you, that the Dean and Chapter of York have authorised me to renew the negotiation between them and the Ecclesiastical Commissioners for the commutation of all their common estates, in consideration of a fixed annual payment.

As various leases are now ripe for renewal, the Chapter have consented to suspend my taking any steps in regard to them pending the negotiation with the Ecclesiastical Commissioners; but as this renders it therefore almost imperative that no delay should take place, with a view to facilitate the matter, I now write to request that you will fix the earliest day in the ensuing week for my attending you in London, bringing with me all the requisite documents.

(signed) *Charles A. Thiselton.*

P.S.—It might facilitate matters if Mr. Edmund James Smith and Mr. J. M. White (who are conversant with the matter) were to meet me at the same time.

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 7 June 1852.

YORK CAPITULAR ESTATES.

I HAVE duly received your communication of the 4th instant, with reference to a renewal of the negotiation for a commutation of the Dean and Chapter's interest in their corporate estates; but I cannot make any appointment with you for discussing the details of the arrangement until I shall have consulted the Ecclesiastical Commissioners for England upon the general question, which I will take the earliest opportunity of doing, and will then communicate with you further on the subject.

(signed) *James J. Chalk.*

EXTRACT from Minutes of GENERAL MEETING, held Thursday, 10 June 1852.

YORK CAPITULAR ESTATES.

THE consideration of a proposal on behalf of the Dean and Chapter of York, to commute their interest in these estates for an annuity, was referred to the Estates Committee.

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 15 June 1852.

YOUR communication of the 4th instant, on behalf of the Dean and Chapter of York, has been submitted to the Ecclesiastical Commissioners for England, and the consideration of it has been referred to the Estates Committee.

When any decision shall have been arrived at, I will let you know.

(signed) *James J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 18 June 1852.

YORK CAPITULAR ESTATES.

WITH a view to the further consideration, by the Ecclesiastical Commissioners for England, of the proposal by the Dean and Chapter for the commutation of their interest in their corporate estates, I am directed to request that the Commissioners may be furnished with the particulars of such estates.

I enclose a form in which it might be well to make the return, if it can be done without difficulty or delay.

(signed) *James J. Chalk.*

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 22 June 1852.

YORK CAPITULAR ESTATES.

THE return you ask for in your letter of the 18th instant will be attended with much trouble, and some expense. Before we enter upon such a measure, the Dean and Chapter would wish to be informed whether the Ecclesiastical Commissioners are inclined to commute upon the average amount of annual receipts for the last 20 years, or upon the actual value of the existing property, hereafter to be ascertained by surveyors.

(signed) *Charles A. Thiselton.*

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 23 June 1852.

SINCE writing to you yesterday, it has occurred to me that it may probably facilitate an arrangement if I inform the Ecclesiastical Commissioners, through you, that the average income of the Dean and Chapter in the last 20 years has amounted to something less than 4,500 *l.* a year; and that we estimate the value of the estates, if all out of lease, at full 15,000 *l.* per annum.

(signed) *Charles A. Thiselton.*

EXTRACT from Report of the Estates Committee, held Thursday, 24 June 1852.

(Not confirmed.)

THE committee have, in conformity with the reference made to them by the general meeting of the 10th June, considered the proposal of the Dean and Chapter of York to commute their interest in their capitular estates, and the committee recommend that the Board do express to the Chapter their willingness to commute accordingly upon the average amount of the annual receipts of the Chapter for the last 20 years.

If the Board approve generally of such an arrangement, which the committee are of opinion should be carried out in a manner similar to that contemplated in their Report of the 16th ultimo, relative to the Chapter of Carlisle, *mutatis mutandis*, the committee recommend that it be referred to them to settle the details.

EXTRACT from Minutes of GENERAL MEETING, held Thursday, 8 July 1852.

(Confirmed 22d July 1852.)

THE reports of the Estates Committee, dated 24th and 30th ultimo, were read, and the recommendations contained therein were adopted as resolutions of this meeting, excepting that relating to the proposed commutation with the Dean and Chapter of York, in which case it was

Resolved, That the recommendation as to the principle upon which a commutation should be founded should be approved, and that the committee be requested to proceed with the consideration of the details.

LETTER

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 8 July 1852.

I AM directed by the Dean and Chapter of York to remind you, that my letters of the 22d and 23d ultimo have not yet been favoured with any reply.

As the renewal of all leases is suspended, the Dean and Chapter hope that the Ecclesiastical Commissioners for England will inform me whether they have determined to decline all commutations, or whether they are only considering the best of the two modes proposed in my last letter for effecting such commutation.

(signed) *Charles A. Thiselton.*

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 9 July 1852.

IN answer to your letter of yesterday's date, I have the honour to acquaint you, that the Ecclesiastical Commissioners for England are of opinion that any commutation of the estates of the Dean and Chapter of York should be based upon the average amount of the receipts derived therefrom by the Chapter during the last 20 years, and that the details of an arrangement upon this principle is now under the consideration of the Estates Committee, but that the Board have not yet finally decided on a commutation.

(signed) *James J. Chalk.*

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 16 July 1852.

I ENCLOSE the "Heads of Arrangement" signed by the Dean and all the residentiaries, and approved by the Archbishop as visitor, and also the two promised abstracts.

I have one point yet to call to your attention, viz., finding that the Dean and Canons residentiary consider, and I think justly so, that it would not be reasonable for their 4,200 *l.* to be made subject upon my death or retirement to the future payment of the Chapter clerk, I must urge upon you the necessity of amending the clause, securing to me individually the 210 *l.* per annum; thus: "210 *l.* per annum to the present Chapter clerk and his successors in the said office," in accordance with the principle adopted in the commutation with the Dean and Chapter of Carlisle.

In truth, as regards York, the emoluments of office have been so seriously diminished by the entire separation of the decanal estates, the already vacated, and further to be vacated prebends, and the transfer of the peculiar jurisdictions, that those who succeed me will be left without adequate remuneration unless the above provision is made.

(signed) *Charles A. Thiselton.*

I have well considered the suggestions contained in the above letter with regard to Mr. Thiselton's successors in office as Chapter clerks; I deem them to be founded in truth and justice, and I earnestly recommend them to the favourable determination of the Ecclesiastical Commissioners.

T. Ebor (Visitor).

York, 15 July 1852.

HEADS of a Proposed Arrangement between the Ecclesiastical Commissioners for England and the Dean and Chapter of the Cathedral Church of York.

1. THE average net annual income from all the manors, lands, tithes, other hereditaments, moneys and revenues now forming the common estates of the chapter, to be taken at 4,200 *l.*

2. Such common estates to be transferred to the Commissioners by a scheme and Order in Council, which shall provide for the payment by the Commissioners of the annual sum of 4,200 *l.* to the Dean and Chapter until they shall have been put into possession of an estate, as hereinafter mentioned, and of the annual sum of 210 *l.* for life to the present receiver of the said Dean and Chapter; the Chapter to continue subject to all existing capitular liabilities.

3. The said sums to be made payable by equal half-yearly payments, on 1st May and on 1st November; the first such payment to be on 1st May 1853.

4. The transfer of the estates to take effect on 29th September 1852, and a sum of 1,900 *l.* to be paid to the Dean and Chapter, and of 100 *l.* to the said receiver on 1st November 1852, as well in respect of the period between the 29th September and that date, as of certain sums which would have accrued to them if this proposed arrangement had not been entered upon.

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

5. The scheme and order to provide that no part of the proceeds of the capitular estates be appropriated to the purposes of the common fund until the Commissioners shall have transferred to the Chapter an estate in possession of the clear annual value of 4,200 *l.*

Approved

(signed) *Wm. Cockburn*, Dean.
Wm. Vernon Harcourt.
Chas. Hawkins.
W. H. Dixon.
Charles Johnstone.

17 July 1852.

Approved *T. Ebor.*

	£.	s.	d.		£.	s.	d.
1832	600	–	–	1844	9,196	11	7
1833	5,073	10	8	1845	3,588	9	9
1834	3,980	6	3	1846	4,662	11	–
1835	1,110	–	–	1847	5,487	6	1
1836	2,698	13	6	1848	3,078	19	2
1837	8,243	19	2	1849	1,536	7	–
1838	10,530	–	–	1850	4,565	6	8
1839	6,027	19	–	1851	3,951	2	7
1840	6,140	16	6				
1841	2,409	17	6		£. 86,637	9	7
1842	3,322	13	2				
1843	433	–	–				

20)86,637 9 7

6)4,331 17 –

Average of 20 years – – – £. 721 19 6

14, Whitehall-place, 17 July 1852.

York Capitular Estates.

Memorandum on Proposal of Dean and Chapter of *York* to accept a Money Payment in lieu of renewing Leases by way of Fines.

According to the statement of the Chapter clerk, the capitular receipts have averaged something less than 4,500 *l.* a year, and the Chapter proposes to accept an annuity of 4,500 *l.*, provided the Chapter clerk was indemnified for the loss of his emoluments.

But, upon examination, it was apparent that the Chapter clerk's statement included sums amounting to 16,340 *l.*, which could not be taken as the basis of a commutation. On the other hand, a present sum of 3,575 *l.*, and an annuity of 362 *l.* 10 *s.* for 30 years, had not been considered, and several leases now renewable might have been fairly taken into account, and the balance of the whole resulted in an annuity to the Chapter of 4,200 *l.*

The Chapter accordingly proposed to accept 4,200 *l.*, making the stipulation that the Chapter clerk should receive an annuity of 210 *l.* for life, and that the payments should commence forthwith.

In the case of this Chapter, no returns exist by which to check the statements of the annual value of the capitular property; but, assuming the schedule in the file to be approximately correct, an amount of 50,000 *l.* would remain for appropriation to the common fund, after the provision of the foregoing annuities.

Some items in that rental are certainly understated, as, for instance, Cottam, placed at 1,700 *l.*, certainly worth 2,500 *l.*; and Drayton-with-Askham, set at a gross amount of 381 *l.*, though commuted at 501 *l.* In the case of Cottam, the rectorial tithes over the capitular estate belong to the Commissioners; and Drayton lies between Rampton and Dunham, in both of which considerable property is vested in them. The Drayton property is held only upon one life, aged 62, and the Dunham property only upon one life, aged 76.

Under all the circumstances, the proposal, as amended, appeared fair and reasonable; and I advised that such conditions should be embodied in the heads of agreement, to be submitted to the consideration of the Estates Committee.

(signed) *Edmund James Smith.*

Extract from Report of the Estates Committee, held Tuesday, 20 July 1852.

Adopted at General Meeting, held 22d July 1852.

The committee have, in accordance with the directions of the Board in this behalf, proceeded with their investigations as to the details of an arrangement for commuting the interest of the Dean and Chapter of York in their capitular estates, and have caused the accounts of the revenues and expenditure to be inspected by the Secretary, in conjunction with Mr. E. J. Smith; and they are satisfied that, (subject to the slight modification hereinafter

inafter mentioned,) due regard would be paid to the existing interest of the Chapter, and to the future advantage of the fund entrusted to the Commissioners, by the adoption of an arrangement in which the Dean and Chapter and the Archbishop of York, as their visitor, are prepared to concur, and which would embody the following particulars:

1. The average net annual income from all the manors, lands, tithes, and other hereditaments, monies and revenues, now forming the common estates of the Chapter, to be taken at 4,200 *l.*

2. Such common estates to be transferred to the Commissioners by a scheme and Order in Council, which shall provide for the payment by the Commissioners of the annual sum of 4,200 *l.* to the Dean and Chapter, until they shall have been put into possession of an estate as hereinafter mentioned, and of the annual sum of 210 *l.* for life to the present receiver of the said Dean and Chapter; the Chapter to continue subject to all existing capitular liabilities.

3. The said sums to be made payable, by equal half-yearly payments, on 1st May and on 1st November; the first such payment to be on 1st May 1853.

4. The transfer of the estates to take effect on 29th September 1852; and a sum of 1,900 *l.* to be paid to the Dean and Chapter, and of 100 *l.* to the said receiver, on 1st November 1852, as well in respect of the period between the 29th September and that date as of certain sums which would have accrued to them if this proposed arrangement had not been entered upon.

5. The scheme and Order to provide that no part of the proceeds of the capitular estates be appropriated to the purposes of the common fund until the Commissioners shall have transferred to the Chapter an estate in possession, of the clear annual value of 4,200 *l.*

The modification above referred to has suggested itself from a communication received from the Chapter since the secretary's visit, and is, that in lieu of the life annuity of 210 *l.* proposed to be secured to the present receiver, an addition to that extent should be made to the commutation payment to the Chapter, and to the contemplated annual income of the estates to be transferred to them, so as to cover the costs of management of such estates, and to secure the receiver in the meantime from loss of income.

As in contemplation of this arrangement the Dean and Chapter have forborne to renew several leases, it has become of serious importance to them that no time should be lost in completing it; and the Commissioners have accordingly prepared the draft of a scheme for this purpose, which they submit for the approval of the Board.

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 26 July 1852.

I HAVE submitted to the Ecclesiastical Commissioners for England the heads of the proposed arrangement between them and the Dean and Chapter of York which accompanied your letter of the 16th instant, and I am now directed to send you the draft of the scheme in relation thereto, which they are prepared to submit to Her Majesty in Council.

You will see that the Commissioners have adopted the principle suggested by the Dean and Chapter in your letter, by making such an addition, both to the annuity proposed to be paid to them and to the annual income of the estates to be hereafter transferred to them, as will cover the costs of management of such estates, and secure the receiver, in the meantime, from loss of income.

It is proposed by the Commissioners to seal the scheme on Friday next, the 30th instant, when their last general meeting before the recess will be held.

As any dealing under the 68th section of the Act 3 & 4 Vict. c. 113, with any stock or cash belonging to a Chapter, must proceed, on an application to the Ecclesiastical Commissioners, under the capitular seal, I have, in order to save time, prepared a draft of such an application, which, if approved, should be ingrossed without delay, and dated prior to the 30th instant.

I must trouble you to furnish me, with as little delay as possible, with the Schedules A., B., and C. referred to in the scheme. I send, as a precedent for the first, a copy of the "London Gazette," containing the recent Order in Council for commuting certain estates belonging to the See of Ely, the schedule to which was principally compiled from the subsisting counterpart leases.

(signed) *James J. Chalk.*

LETTER from the Secretary to *C. A. Thiselton*, Esq.

Dear Sir, Whitehall-place, 21 August 1852.

I HAVE now the honour to send for execution, by the Dean and Chapter of York and by his Grace the Archbishop, the scheme of the Ecclesiastical Commissioners for England for commuting the capitular estates and endowments, and I should be glad to receive it back again with as little delay as possible.

(signed) *James J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

LETTER from *C. A. Thiselton*, Esq. to the Secretary.

Dear Sir, Minster Yard, York, 25 August 1852.

I HAVE now the honour to return the scheme of the Ecclesiastical Commissioners for England for commuting the capitular estates and endowments duly executed by the Dean and Chapter of York and by his Grace the Archbishop of York.

I shall be much obliged if you can send me a copy of the schedules as printed.

(signed) *Charles A. Thiselton.*

LETTER from *E. J. Smith*, Esq. to the Secretary.

Dear Sir, 14, Whitehall-place, 12 December 1853.

COMMUTATION of the Estates of the Chapter of York.

As it may prove convenient to note the progress of dealing with the estates transferred to the Commissioners under this commutation, I beg to submit a statement of the results of the transactions of the past year.

The values of the whole of the estates have been ascertained, and the aggregate value is 427,000 *l.* Deducting 13,300 *l.* as the value of the estates in possession at the time of commutation, there remains 413,700 *l.* leased to various parties; and of this, about 42 per cent. was leased for years, and 58 per cent. was leased for lives.

The total value of the estates leased being 413,700 *l.*, there have already been enfranchised, either by lapse or by sale and purchase, estates of the value of 252,597 *l.*; and the interest of the Commissioners in this portion of the estates leased, proves to be 123,855 *l.*

This sum of 123,855 *l.* added to 13,300 *l.*, the value of the estates in possession, gives a total of 137,155 *l.* already obtained.

I find that the leased estates remaining to be dealt with, valued at 161,103 *l.*, will certainly not produce less than a present sum of 70,000 *l.*; and the enfranchisement of a large part of such remaining estates is in progress.

The total value of the Commissioners' interest is, therefore, 137,155 *l.*, already obtained, and at least 70,000 *l.* in respect of the portion not yet dealt with, making a total of 207,155 *l.*; and, as the annuity to be provided is 4,410 *l.*, it is clear that the surplus of 50,000 *l.*, which my report of 17 July 1852, on which the commutation was based, stated would be obtained, will be fully realised.

Cotemporaneously purchases of leasehold interests have been effected in Yorkshire, so that the Chapter may be put into possession of a convenient permanent estate in the course of the current year.

(signed) *Edmund James Smith.*

EXTRACT from Minutes of the Estates Committee, held Tuesday, 13 December 1853.

YORK CAPITULAR (COMMUTED) ESTATES.

READ a report from Mr. E. J. Smith, setting forth the financial results of the dealings which up to the present time have been effected with respect to these estates, and the position of the Commissioners with regard to the prospect of realising the objects of, and expectations from, the commutation, both in respect of putting the Chapter into possession of an income from rack-rents, and to the obtaining of a surplus for the purposes of augmentation.

LETTER from *C. A. Thiselton*, Esq. to the Secretary.

Dear Sir, Minster Yard, York, 15 November 1854.

UPWARDS of two years having elapsed since the Dean and Chapter of York commuted their capitular estates with the Ecclesiastical Commissioners for England for a money payment of 4,410 *l.* per annum, I am directed by the Chapter to express their hope that, in conformity with the stipulation of the Order in Council of the 18th August 1852, they may now shortly be put into possession in fee-simple of real estates, sufficient to secure to them the above-mentioned income, clear of all charges and outgoings, except the costs of management.

(signed) *Charles A. Thiselton.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 24 November 1854.

YORK CHAPTER ESTATES.

I FORWARD herewith a communication received from Mr. Thiselton, upon which I have to request your advice for the guidance of the Ecclesiastical Commissioners for England.

(signed) *James J. Chalk.*

LETTER from *C. A. Thiselton*, Esq., to the Secretary.

Dear Sir, Minster Yard, York, 14 June 1855.

YORK CAPITULAR COMMUTATION.

I AM directed by the Dean of York, who is now in residence, and anxious to have the matter settled, to call your attention to my letter of the 15th November last, and to ask if there is any chance of the arrangement therein referred to being completed in accordance with the Order in Council of the 18th August 1852.

(signed) *Charles A. Thiselton.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 18 June 1855.

YORK CHAPTER ESTATES.—PROPOSED COMMUTATION.

I FORWARD herewith a further communication received from Mr. Thiselton, with reference to the application which accompanied my Letter of Instructions to you of the 24th of November last.

(signed) *J. J. Chalk.*

LETTER from *E. J. Smith*, Esq. to the Secretary.

Dear Sir, 14, Whitehall-place, 2 August 1855.

CHAPTER of YORK—PROVISION of PERMANENT ESTATE.

SOON after the receipt of your instructions relative to the application in November last from this Chapter to be put into possession of an adequate estate in fee-simple, I discussed with the Chapter clerk the nature of estate desired by the Chapter; and I subsequently received from Mr. Thiselton the letter transmitted herewith.

The Order in Council contemplated that the Chapter should be placed in possession of an adequate estate in fee-simple, and should take the risks of increased and of decreased income; but in this letter the Chapter contemplate that the Commissioners shall provide year by year the agreed annuity of 4,410 *l.*, including cost of management.

In this letter the Chapter also express their indisposition to accept tithe rentcharge as part of the permanent estate of the Chapter.

The suggestion that the Commissioners shall bear the chance of increased or of decreased income, appears to involve conferring on the Commissioners control over the management of the estate; if the Chapter are unaffected by a deficiency of income, they will have no direct interest in its productive management. The adoption of this suggestion would also practically substitute a fixed annual payment, in lieu of an estate in possession.

The objection to tithe rentcharge has been endeavoured to be met by the provision of a rentcharge of 810 *l.* a year, payable from the estate of only one proprietor.

I consider that the six estates, occupied by ten tenants, set forth in the accompanying plans and particulars, will, together with the tithe rentcharges, provide the permanent estate of the Chapter.

In consequence of the Langtoft Farm being let on an improving lease until Lady-day 1865, a portion of the capitular income will require until that time to be provided from other sources; and such portion can, for that period, be retained year by year by the Chapter from a sum of 362*l.* 10*s.*, annually paid by themselves as trustees of the York Minster Fabric Fund to the Ecclesiastical Commissioners.

On the 1st November next, the third year of the payment of the agreed annuity of 4,410 *l.* is completed. If the views of the Chapter are ascertained during the recess, and the legal arrangements connected with these estates are then completed, the transfer may conveniently date from that time; but in any case the permanent estate of the Chapter will be provided within the fourth year of the commutation.

(signed) *Edmund James Smith.*

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

CHAPTER OF YORK PERMANENT ESTATE,

1st November 1855.

ALLERSTONE PARISH.

The following are the Lands in this Parish.

[*See* Plan, No. I., at the end of Appendix.]

Crake Hall Farm.

Pierson's Devisees, Occupiers.

No. on Plan.		Quantity.					
		A.	R.	P.	A.	R.	P.
625	West Ridge - - - - - - Arable	6	2	0			
626	Howls - - - - - - - Grass	8	1	23			
627	East Ridge - - - - - - „	5	1	3			
628	Lane - - - - - - - - -	1	0	10			
629	Dobson Close - - - - - - Grass	10	3	33			
630	Stack Close - - - - - - Arable	5	3	12			
631	Little Moor - - - - - - - „	3	3	16			
632	Road - - - - - - - - -	0	2	3			
633	West Moor - - - - - - Arable	5	3	30			
634	East Moor - - - - - - - „	6	2	23			
635	South Benny Close - - - - - „	7	2	32			
636	Approach - - - - - - Grass	1	3	13			
637	Crake Hall and Garden - - - - -	0	0	35			
638	Barn, Stables and Foldyard - - - -	0	1	21			
639	Road - - - - - - - Grass	0	1	30			
640	Stackyard and Orchard - - - - „	0	3	36			
641	Plantation - - - - - - Wood	0	0	23			
642	North Benny Close - - - - Arable	7	3	23			
643	East Sievy Close - - - - - „	7	3	0			
644	West Sievy Close - - - - - „	7	2	0			
645	East Orchard Close - - - - Grass	4	0	20			
646	West Orchard Close - - - - Arable	5	0	24			
647	West Wheat Close - - - - - „	4	3	24			
647 *a*	East Wheat Close - - - - - „	4	1	35			
648	West High Pasture - - - - - „	11	1	20			
649	Plantation - - - - - - Wood	0	1	32			
650	Plantation - - - - - - „	0	1	29			
651	Middle High Pasture - - - - Arable	10	2	20			
652	West Draining Close - - - - „	9	1	20			
653	Plantation - - - - - - Wood	0	1	30			
654	Plantation - - - - - - „	0	1	30			
655	East Draining Close - - - - Arable	7	0	18			
672	Dry Hills - - - - - - „	12	0	17			
673	Dry Hills Howls - - - - - Grass	3	1	22			
676	Witherwick Ings - - - - - „	11	3	30			
					179	0	17

Whitehall Farm.

W. Miles, Occupier.

656	North High Field - - - - - Arable	7	1	20			
657	Second North Field - - - - „	8	1	30			
658	Third North Field - - - - - „	9	2	3			
659	Fourth North Field - - - - „	8	3	9			
660	North Rubbles - - - - - „	13	0	0			
661	Long West Field - - - - - „	7	1	20			
662	South Rubbles - - - - - „	8	1	15			
663	Oak Tree Field - - - - - „	10	2	7			
664	West Field - - - - - - „	8	3	13			
665	Wheat Field - - - - - - „	9	1	23			
	Carried forward - - -	91	2	20	179	0	17

ALLERSTONE PARISH—*continued.*

			A.	R.	P.
	Brought forward - - -		179	0	17

Whitehall Farm—*W. Miles, Occupier*—continued.

No. on Plan.		Quantity. A.	R.	P.		
	Brought forward - - -	91	2	20		
666	Willow Tree Close - - - - Arable	5	3	25		
667	Lane - - - - - - -	1	1	14		
668	Cow Pasture - - - - - Grass	7	2	30		
668*a*	Stack Yard - - - - - - -	0	1	27		
669	Road - - - - - - - -	0	1	27		
670	Barn, Stable and Foldyard - - - -	0	1	14		
671	Whitehall House and Garden - - - -	0	1	18		
674	The Ridge - - - - - Grass	5	3	16		
675	Yard and Shed - - - - - - -	0	0	14		
677	Presume Field - - - - - Arable	4	3	30		
678	Howls - - - - - - Grass	10	2	36		
679	First South Field - - - - "	9	2	35		
680	Far South ditto - - - - "	12	2	12		
681	Ditto - - - - - - Arable	13	2	0		
					165	1 38

MARSH LODGE FARM.

Newlove's Devisees, Occupiers.

682	Garden - - - - - - -	0	2	0		
683	Cottage and Garden - - - - - -	0	0	32		
684	Cottage and Garden - - - - - -	0	1	10		
685	Cottage Field - - - - - Grass	11	1	12		
686	Oak Tree Field - - - - - Arable	9	1	16		
687	Middle Field - - - - - "	7	2	0		
688	West Plantation Field - - - - "	6	3	25		
689	West High Field - - - - - "	7	0	36		
690	Plantation Close - - - - - "	7	2	6		
691	East Plantation Field - - - - "	8	2	16		
692	Allerstone Beck Field - - - - "	8	2	25		
693	Plantation - - - - - Wood	0	3	0		
694	South Plantation Close - - - Arable	9	3	25		
695	Road Field - - - - - "	11	0	16		
696	Home Field - - - - - "	9	2	32		
697	Plantation - - - - - Wood	0	1	4		
698	Ridge - - - - - - Arable	8	3	4		
699	Second Meadow Field - - - - Grass	8	0	30		
700	First Meadow Field - - - - "	6	0	8		
701	Cow Pasture - - - - - "	18	2	25		
702	House and Garden - - - - "	1	1	16		
703	Buildings and Yard - - - - - -	0	2	30		
704	Orchard - - - - - - Grass	0	2	17		
705	Plantation - - - - - Wood	0	1	25		
706	Stackyard Field - - - - - Grass	6	0	0		
707	Lane - - - - - - -	1	1	10		
708	Sycamore Close - - - - - Arable	8	1	33		
709	Willow Close - - - - - "	7	3	25		
710	Narrow Field - - - - - - "	5	3	—		
					173	3 38
				A.	518	2 13

The Lands in this Parish are Tithe-free, except 18 *s.* 10 *d.* to the Vicar of Allerstone, which is paid by the Tenants. There is no Land Tax. They are all held by yearly tenancies.

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

PARISH OF LANGTOFT.

The following are the Lands in this Parish.

[*See* Plan, No. II., at the end of Appendix.]

THE WARREN FARM.

John Clarke, Occupier.

No. on Plan.		Quantity.		
		A. R. P.		A. R. P.
27	Part of Field - - - - - Arable	62 3 12		
33	Warren House Allotment - - - „	55 1 9		
34, 34*a*, 34, 34*d*	Warren Homestead, Garths, and Plantations adjoining - - - - - - - - -	429 2 21		
37, 37*a*, 37*b*	In Four Closes - - - - - Arable	131 0 0		
38, 38*a*	In Two Closes - - - - - „	121 3 10		
				800 2 12

The Lands in this Parish are subject to 44 *l.* 10 *s.* Rectorial Rentcharge, and 23 *l.* Vicarial Rentcharge. There is no Land Tax. The Tenant by his Lease undertakes to maintain and repair the Premises, and pays the Rentcharges. The Lease expires Lady-day 1865.

PARISH OF MILLINGTON.

The following are the Lands in this Parish.

[*See* Plan, No. III., at the end of Appendix.]

MILLINGTON TOWNSHIP.

John Smith, Occupier.

No. on Plan.		Quantity.		
		A. R. P.		A. R. P.
36	Gardam Close - - - - - - - -	14 2 25		
38	Scawdale Dale - - - - - - - -	12 0 10		
39	Ditto - - - - - - - -	18 2 5		
41	Rough Close - - - - - - - -	17 0 20		
41*a*	Road in ditto to Bringham's Farm - - -	0 1 20		
42	Far Luke Field - - - - - - - -	21 0 0		
42*a*	Road in ditto to Millington Wold Farm, &c. -	1 2 0		
43	Kilby's Field - - - - - - - -	11 3 25		
44	Ditto - - - - - - - -	7 1 25		
45	Ditto - - - - - - - -	11 2 35		
46	Luke Field - - - - - - - -	32 0 5		
46*a*	Road in ditto to Millington Wold, &c. - -	1 0 23		
47	Part of Seventeen Acres - - - - -	12 3 7		
47*a*	Part of ditto - - - - - - - -	5 2 0		
48	Dyking Field - - - - - - - -	15 1 15		
50	Nineteen Acres - - - - - - - -	19 0 15		
	Carried forward - - -	202 0 30		

PARISH OF MILLINGTON—*continued.*

Millington Township—*John Smith, Occupier*—continued.

No. on Plan.		Quantity.	
		A. R. P.	A. R. P.
	Brought forward - - -	202 0 30	
54	Plantation Field - - - - - - -	19 3 10	
55	Grange Field - - - - - - - -	7 2 30	
56	Millington Grange, House, Homestead, and Stack Yard - - - - - - - -	0 2 30	
59	Part of Kell Dale - - - - - -	4 2 30	
60	High Kell Field - - - - - - -	14 3 0	
61	Low ditto - - - - - - - -	10 0 15	
61*a*	Hill-side in ditto - - - - - - -	0 3 15	
62	Kells Dale - - - - - - - -	29 1 1	
37, 40, 49, 51, 52, 53, 58, 59.	Plantations - - - - - - - -	19 3 0	
	Also 22 Stints in Millington Stray.		309 3 1
	GIVENDALE TOWNSHIP.		
	Hicks' Devisees, Occupiers.		
1	Far North Field - - - - - - Arable	25 3 26	
2	New - ditto - - - - - - Grass	35 0 30	
3	Hill-side - - - - - - - „	20 0 0	
4	Barn, Plantation, and Rills - - - Arable	29 2 18	
5	Second Lime-pit - - - - - - -	33 2 20	
6	First Lime-pit - - - - - - -	21 2 4	
7	Plantation - - - - - - Wood	11 3 24	
8	Riding Dale - - - - - - Grass	15 2 0	
9	Second North Field - - - - Arable	33 1 10	
10	First - ditto - - - - - - „	23 3 28	
11	Great Barn Field - - - - - - „	23 0 11	
12	Upper South ditto - - - - - - „	20 0 7	
13	Lower ditto ditto - - - - - - „	21 3 14	
14	Little Barn ditto - - - - - - „	4 1 4	
15	Dove-Cote Close - - - - - Grass	1 2 37	
16	Homestead and Garden - - - - -	0 2 33	
17	Old Buildings and Garden - - - -	1 3 19	
18	Garth - - - - - - - Grass	13 2 25	
19	Little North Field - - - - - - „	6 3 2	
20	The Green - - - - - - - „	3 2 14	
21	Wharry's Close - - - - - - „	5 1 19	
22	Ditto - - - - - - - - „	4 2 4	
23	Ditto - - - - - - - - „	12 1 10	
24	Clayland Close - - - - - - „	16 3 35	
25	Prebends Close - - - - - Arable	5 3 5	
26	Surndry Field - - - - - - „	27 2 20	
27	Ditto - - - - - - - - „	6 0 11	
28	Little Closes - - - - - - Grass	14 0 25	
29	Surndry Field - - - - - - „	11 3 32	
30	Mill Field - - - - - - - „	2 2 13	
	Also 40 Stints in Millington Stray.		455 1 20
			765 0 21

The Lands in Millington Township are Tithe-free. The Land-tax is redeemed. It is agreed to be let for 16 years, from Lady-day 1856.

The Lands in Givendale Township are subject to 23 *l.* 6 *s.* of Vicarial Rentcharge. The Land-tax is redeemed. The Rectoral Rentcharge of 78 *l.* belongs to the Commissioners, who will discharge the Farm from it, paying the Lessee during his unexpired term of four years as regards 76 *l.*, and three years as regards 2 *l.* The Vicarial stipend, 23 *l.* 6 *s.*, is a deduction from the Rental. The Farms let from year to year.

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

PARISH OF PRESTON.

The following are the Lands in this Parish.

[*See* Plan, No. IV., at the end of Appendix.]

George Dixon, Occupier.

No. on Plan.		Quantity.					
		A.	R.	P.	A.	R.	P.
8	Blackmoor Hill - - - - - Arable	35	3	37			
9	Ludman Sink - - - - - - „	30	1	21			
10	Top Wyton Dyke Close - - - - - „	30	0	15			
11	Sproatley Land and Close - - - - „	28	3	3			
12	Middle Wyton Dyke Close - - - - „	15	2	7			
13	Far Wyton Dyke Close - - - - - „	17	2	38			
14	Red Part Close - - - - - - „	24	2	16			
15	Duck Hill - - - - - - - Grass	24	2	39			
16	Far Garth - - - - - - - „	6	2	14			
17	Penny Leys - - - - - - - „	2	2	9			
18	Middle Garth - - - - - - „	4	0	4			
19	House and Yard - - - - - - „	0	2	37			
19	Orchard - - - - - - - - „	0	1	2			
„	Buildings and Fold-yard - - - - „	0	1	33			
„	Garden - - - - - - - - -	0	0	10			
20	Great South Field - - - - - Arable	23	2	23			
21	West Top South Field - - - - „	3	0	16			
22	East Top South Field - - - - „	3	2	1			
	Right to depasture in Salt End Marsh - -	13	3	27			
					271	2	32
	William D. Tomlinson, Occupier.						
20*b*	Swarth Close - - - - - - Grass	11	1	12			
21*a*	Middle Close - - - - - - Arable	22	1	28			
22*a*	Cowlands - - - - - - - „	23	2	38			
23	Ditto - - - - - - - - „	20	1	25			
24	Long Close and Sheds - - - - „	26	0	38			
					104	0	21
					375	3	13

The Lands in this Parish are Tithe-free, and Land Tax redeemed; they are liable to out-payments of 2*l.* 9*s.* 10*d.* yearly, and to a Vicarial stipend of 10*l.* yearly, which are deductions from the Rental.

Mr. Dixon's Farm is let on Lease for 10 years, from Lady-day 1854.

Mr. Tomlinson's Farm is held by a yearly tenancy.

PARISH OF SOUTH CAVE.

The following are the Lands in this Parish.

[*See* Plan, No. V., at the end of Appendix.]

Provence Farm.

James Middlebrook, Occupier.

No. on Plan.		Quantity.					
	In South Cave Township:	A.	R.	P.	A.	R.	P.
588	Fore Shore - - - - - - Grass	4	0	8			
589	- - - - - - - - „	4	2	34			
595	- - - - - - - - „	11	1	31			
597	Groves - - - - - - - „	33	1	26			
615	Ings - - - - - - - - „	1	0	29			
616	Fresh Land - - - - - - Arable	21	3	6			
618	Checkers - - - - - - - „	11	1	8			
619	Ditto - - - - - - - „	9	3	26			
633	Ditto - - - - - - - „	11	2	14			
634	Fresh Lands - - - - - - - „	10	1	25			
635	Ditto - - - - - - - „	10	0	14			
636	- - - - - - - - - „	10	2	17			
637	- - - - - - - - - „	12	1	16			
638	Garth - - - - - - - Grass	6	1	7			
640	House and Homestead - - - - -	1	3	10			
641	- - - - - - - - Grass	1	3	12			
642	Calling Fen - - - - - - - „	2	3	26			
647	Ditto - - - - - - - - „	8	0	16			
					173	3	5
	In Broomfleet Township:						
155	Burn Close - - - - - - - -	3	2	32			
156	Ditto - - - - - - - - -	8	2	18			
313	Groves - - - - - - - - -	10	1	5			
330	Ditto - - - - - - - - -	2	1	17			
332	Ditto - - - - - - - - -	3	0	18			
333	Fore Shore - - - - - - - -	1	3	21			
					29	3	31
					203	2	36

These Lands are subject to 35*l.* 13*s.* 5*d.* of Tithe Rentcharge in South Cave Township, and 7*l.* 7*s.* 2*d.* Tithe Rentcharge in Broomfleet Township, paid by Tenant.

The Land Tax is redeemed.

The Drainage Tax (say 15*l.* a year) is a deduction from the Rental.

The Farm is agreed to be leased from Lady-day 1856 for 16 years.

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

PARISH OF WAWN.

The following are the Lands in this Parish.

[*See* Plan, No. VI., at the end of Appendix.]

William Leake, Occupier.

No. on Plan.			Quantity.	
			A. R. P.	A. R. P.
296	Birkett Garth	Grass	3 0 20	
298	Gill Croft	„	5 1 5	
299	Greens	„	7 0 12	
300	Farm Buildings, Stack Yard, &c.		0 3 5	
301	Grass Garth	Grass	1 2 19	
302	House and Garden		0 0 17	
303	Orchard		0 1 11	
304	Gardens		0 2 8	
315	Four Acres	Grass	4 0 20	
319	Occupation Road		1 3 37	
320	First Ings	Arable	23 1 27	
321	Cow Pasture	Grass	13 2 14	
322	Four Acres	„	4 3 25	
343	Fifteen Acres	Arable	15 2 10	
344	First Fourteen Acres	„	14 3 22	
345	Far Fourteen Acres	„	15 0 0	
346	Garling	„	17 1 31	
347	Two and Twenty Acres	„	23 2 17	
361	Second South Field	„	20 0 11	
362	Twenty-one Acres	„	21 2 27	
363	Fifteen Acres	„	15 2 0	
364	Plantation		0 0 27	
365	First Isaac Ings	Arable	11 2 8	
366	Far Eighteen Acres	„	20 0 25	
368	Mints Close	„	11 2 5	
380	Little Close	„	5 0 26	
381	Mints Little Close	„	5 2 23	
384	Far Isaac Ings	„	12 0 27	
385	Twenty Acres	„	20 1 6	
386	Far Lazenby Close	„	10 1 7	
387	First „ „	„	10 1 0	
				317 3 12

The Lands in this Parish are subject to Rectorial Tithes of 72 *l.*, and to Vicarial Tithe of 10 *l.* yearly; the former goes with the Land.

Also to the maintenance of the Chancel of the Church, and to a Vicarial Stipend of 20 *l.* yearly. The Land-tax is redeemed.

The Rental is subject to the Vicarial payments, and also to the maintenance of Chancel: it is a yearly tenancy.

A Rentcharge of 882 *l.* a year, of which 72 *l.* is charged upon the Rectorial Farm, and forms part of the Rental; the Rentcharge of 810 *l.* is wholly upon the estate of Windham Windham, Esq.

SUMMARY.

		Quantity.	Rental.
		A. R. P.	£.
Allerstone	Three Farms	518 2 13	833
Langtoft	One Farm	800 2 12	580
Millington	Two Farms	765 0 21	935
Preston	Two Farms	375 3 13	585
South Cave	One Farm	203 2 36	390
Wawn	One Farm	317 3 12	450
Ditto	Rectorial Rentcharge	- -	810
		2,981 2 27	4,583
Portion until Lady-day 1865 of annuity of 362 *l.* 10 *s.* paid by the Chapter as Trustees of the Fabric of York		- - -	240
	TOTAL		£. 4,823

LETTER from *C. A. Thiselton*, Esq., to *E. J. Smith*, Esq.

My dear Sir, Heworth Cottage, Saturday night.

I HAVE been considering our conversation of this morning, and the scheme you referred to, and now beg to recapitulate, that the Dean and Chapter commuted the whole of their valuable capitular estates with the Ecclesiastical Commissioners with a view, in the first instance, of securing a fixed, instead of a fluctuating income, and, in the second place, with the desire that, under the new and improved system of management by the Ecclesiastical Commissioners, a considerable advantage should result to the general funds of the Church.

To secure the former, therefore, it will be, as you are aware, requisite to put them in possession of estates, not only of a rental of 4,410 *l.* per annum, but of such additional value as will provide also for repairs, and all such outgoings and contingencies as the estates you contemplate making over to them may be subjected to, say, by way of argument, 5,000 *l.* per annum. The receiver of the Dean and Chapter to render his account annually, showing the full receipt from the estates on the one hand. Vouchers from the several participants for the 4,410 *l.*, and for such repairs and other outgoings as were against the properties, paying over to the Commissioners, or receiving from them, as the balance may from time to time appear.

The Dean and Chapter will never consent to receive tithes as a source of fixed income.

(signed) *Charles A. Thiselton.*

EXTRACT from the Minutes of the Estates Committee, held Thursday, 9 August 1855.

YORK CHAPTER ESTATES ENDOWMENT.

READ an application by the Dean and Chapter to be put into possession of a permanent estate, as contemplated by the Order in Council of the 30th of July 1852.

READ also a report from E. J. Smith, stating that he has been in communication with the Dean and Chapter relative to the nature of the estate required by them, and finds, as set forth in the communication which accompanies his report, that the Dean and Chapter object to accept tithe rentcharge as part of such estate, and also require that the Commissioners should take the risks of increased and of decreased income, and provide year by year an annuity of 4,410 *l.*, inclusive of the cost of management. Mr. Smith points out that this requirement is not in accordance with the terms of the Order in Council above referred to, and would in effect substitute a fixed annual payment in lieu of an estate in possession, and advises that an offer be made to convey to the Dean and Chapter, from the 1st of November next, the properties set forth in the under-written Schedule as a permanent estate. Mr. Smith adds, that, in consequence of the Langtoft Farm being let on an improving lease until Lady-day 1865, a portion of the capitular income will require until that time to be provided from other sources, and suggesting that the deficiency should be retained year by year by the Chapter, from a sum of 362 *l.* 10 *s.* annually paid by them (as trustees of York Minster Fabric Fund) to the Commissioners, and concludes by observing that the Dean and Chapter's objection to tithe rentcharge has been endeavoured to be met by the provision of a rentcharge payable from the estate of one proprietor only.

Appendix.

Ecclesiastical Commissioners for England.

Bishops' and Chapters' Estates Commutations.

York Chapter.

SCHEDULE.

Situation and Description of Property.	Number of Farms.	Rental.
		£. s. d.
Allerstone Parish:		
518 a. 2 r. 13 p. of land, with certain houses and buildings thereon	3	833 – –
Langtoft Parish:		
800 a. 2 r. 12 p. of land, with a house and buildings thereon	1	580 – –
Millington Parish:		
765 a. 0 r. 21 p. of land, with certain houses and buildings thereon	2	935 – –
Preston Parish:		
375 a. 3 r. 13 p. of land, with a house and buildings thereon	2	585 – –
South Cave Parish:		
203 a. 2 r. 36 p. of land, with a house and homestead thereon	1	390 – –
Wawn Parish:		
317 a. 3 r. 12 p. of land, with a house and buildings thereon	1	45 – –
Wawn Parish:		
A tithe rentcharge	– –	810 – –

Resolved, That a copy of the foregoing report be transmitted to the Dean and Chapter for their consideration.

Letter from the Secretary to *C. A. Thiselton*, Esq., York.

Dear Sir, Whitehall-place, 15 August 1855.

York Chapter Estates.

The Ecclesiastical Commissioners for England have had under their consideration your communications of the 15th of November and 14th of June last, and have directed me to transmit to you, for the consideration of the Dean and Chapter, the accompanying copy of a report which they have received from Mr. E. J. Smith, relative to the subject in your communications referred to.

(signed) *James J. Chalk.*

Letter from *C. A. Thiselton*, Esq., to the Secretary.

Sir, Minster Yard, York, 13 October 1855.

Chapter of York—Provision of Permanent Estates.

I am directed by the Dean and Chapter, in reference to your letter of the 15th August last, to inquire whether the Ecclesiastical Commissioners will guarantee any deficiency which may occur in the receipts of the proposed properties, in the same manner as is provided in the Order of Council of the 7th February 1853 (See of York).

(signed) *Charles A. Thiselton.*

Letter from the Secretary to *C. A. Thiselton*, Esq.

Sir, Whitehall-place, 20 October 1855.

I am directed by the Ecclesiastical Commissioners for England to acknowledge the receipt of your letter of the 13th instant, in which you inquire whether they are prepared to guarantee the annual income which would be derived by the Dean and Chapter of York from the estates to be made over to them, as contemplated in the communication addressed

addressed to you on the 15th of August last, in the same manner that the income of the Archbishop of York is guaranteed under the Order in Council of the 7th February 1853.

I am to observe, in reply, that the Commissioners do not propose to effect such an arrangement, and I am to call your attention to the differences which present themselves in the circumstances of the two cases. In the one, the Commissioners are under an obligation, by direction of Parliament, to secure to the Archbishop a certain fixed annual income, and to limit his Grace to the enjoyment of that amount, and, in compliance with that direction, they procured the passing of the above-named Order, designed to remedy the violent fluctuations of an episcopal income, derived chiefly from estates producing fines of uncertain amount, at uncertain periods. In the other case, the proposal of the Board now before your Chapter is to fulfil the proviso contained in the Order in Council of the 18th August 1852, which requires that the Chapter shall be re-endowed with real estates, equivalent to the annuity now forming their income, before any surplus proceeds of the property formerly belonging to the Chapter can be made available for the augmentation of benefices. Neither in the last-mentioned Order, nor in the Acts of Parliament which authorised it, is there any contemplation that there shall be such an interference (and consequent control) by the Commissioners, with regard to the income of the Chapter from the estates to be so made over to them, as is indicated in your letter. And this property, unlike that of the Archbishop, is wholly in possession at rack-rent, and is so to continue.

(signed) *James J. Chalk.*

Extract from Report of the Estates Committee, held Thursday, 18 October 1855.

Adopted at General Meeting, held 8 November 1855.

York Chapter.—Re-endowment with Real Estates.

The Committee desire to lay before the Board a statement as to the communications which have taken place between them and the Chapter of York with regard to a proposed re-endowment of that body with real estates, so as to fulfil the condition in the Order in Council of the 18th of August 1852, which prohibits the Commissioners from antecedently appropriating to the general augmentation and other purposes of the Board the surplus, which, after providing the permanent income of the Chapter, would otherwise remain undisposed of.

The Committee having, in accordance with the advice of Mr. E. J. Smith, contained in his report of the 2d of August last, submitted, for consideration by the Chapter, the particulars of certain farms situate in Yorkshire, occupied by 10 tenants, and a tithe rentcharge of 810 *l.* apportioned on a single estate, as the property proposed for the endowment, have received an inquiry, on the part of the Chapter, whether the Commissioners would guarantee any deficiency which might occur in the receipts from such property, in the same manner as they would, under the provisions of the Order in Council of the 7th of February 1853, make up any deficiency in the annual income of the Archbishop of York.

To this inquiry the committee have replied, by stating, that such an arrangement is not in contemplation, and by calling attention to the difference which presents itself in the two cases; in the one, the Commissioners being under obligation, by direction of Act of Parliament, to secure to the Archbishop a fixed annual income, and to limit his Grace to the enjoyment of that amount, and having, pursuant to such direction procured, the passing of an Order in Council, designed to remedy the violent fluctuations of an income derived chiefly from estates producing fines of uncertain amounts at uncertain periods; while in the other case the Commissioners have it in contemplation to fulfil strictly the proviso above referred to, which is contained in an Order in which, as also in the Acts authorising it, there is no contemplation of such an interference and consequent control by the Board with regard to the Chapter income from the estates to be made over to them as is indicated by the question put by that body. The committee have further observed that such last-mentioned property, unlike that of the Archbishop, is wholly in possession at rack-rent, and is so to continue.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

REVENUES AND ACCOUNTS.

RETURN of the Amounts Received from the Ecclesiastical Revenues of the Diocese of *Durham*, from 1836 to 1855; and of the Sums Expended by the Ecclesiastical Commissioners in the same Diocese, during the same period.

RECEIPTS (Income Tax Deducted).

YEAR.	Episcopal Revenues by Charge on See.	Suspended Canonries.	Charged Deaneries and Canonries.	Deans' and Canons' separate Estates.	Accounting Canons.	Cash Value of certain Stock transferred to the Commissioners out of Court of Chancery.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1837	11,200 – –	– – –	– – –	– – –	– – –	– – –	11,200 – –
1838	11,200 – –	– – –	– – –	– – –	– – –	– – –	11,200 – –
1839	11,200 – –	– – –	– – –	– – –	– – –	– – –	11,200 – –
1840	11,200 – –	– – –	– – –	– – –	– – –	– – –	11,200 – –
1841	11,200 – –	2,818 8 –	– – –	– – –	– – –	– – –	14,018 8 –
1842	11,093 10 4	– – –	– – –	1,620 14 9	– – –	– – –	12,714 5 1
			(Two years)				
1843	10,873 6 8	– – –	4,192 5 5	2,107 17 9	– – –	– – –	17,173 9 10
1844	10,873 6 8	– – –	– – –	1,809 8 5	– – –	– – –	12,682 15 1
1845	10,873 6 8	– – –	2,531 4 7	1,791 15 1	– – –	– – –	15,196 6 4
1846	10,873 6 8	– – –	2,246 1 9	1,946 7 4	– – –	– – –	15,065 15 9
1847	10,873 6 8	– – –	3,442 7 11	1,469 7 10	– – –	– – –	15,785 2 5
1848	10,873 6 8	– – –	3,603 6 10	1,336 1 10	– – –	– – –	15,812 15 4
			(Two years)				
1849	10,873 6 8	4,992 – 11	8,652 3 2	1,564 13 10	– – –	1,006 11 5	27,088 16 –
1850	10,873 6 8	6,437 4 6	5,468 14 11	1,964 19 8	– – –	2,011 16 3	26,756 2 –
1851	10,873 6 8	6,422 17 10	5,160 12 10	1,899 2 1	– – –	1,141 13 4	25,497 12 9
1852	10,873 6 8	5,722 11 1	4,641 1 9	2,232 6 5	230 9 5	– – –	23,699 15 4
1853	10,873 6 8	6,462 19 8	3,590 4 10	1,688 – 9	4,870 – –	– – –	27,484 11 11
1854	10,710 – –	3,423 16 4	98 6 6	2,093 15 4	– – –	– – –	16,325 18 2
1855	10,546 13 4	5,872 8 –	3,073 7 2	2,171 4 6	3,544 1 8	– – –	25,207 14 8
£.	207,956 17 –	39,333 18 4	49,518 5 8	25,695 15 7	8,644 11 1	4,160 1 –	335,309 8 8

Maltby Fund.—In addition to the above the Commissioners have received voluntary contributions from the Bishop of Durham, amounting in the aggregate to - - - - - - - - - - - - £. 21,275 8 4

EXPENDITURE (the full Sum, irrespective of Income Tax).

YEAR.	CHARGE ON EPISCOPAL REVENUES. First Fruits.	Patent Fees.	Augmentation of Livings.	OUT OF COMMON FUND. * Durham University.	* Augmentation of Livings.	Endowment of New Parishes and Districts, and Compensation for Loss of Fees.	Parsonage Houses.	Accounting Canons.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1837	1,092 12 9	204 12 4	1,023 – –	– – –	– – –	– – –	– – –	– – –	2,320 5 1
1838	– – –	106 6 2	992 – –	– – –	– – –	– – –	– – –	– – –	1,098 6 2
1839	– – –	85 6 2	1,118 – –	– – –	– – –	– – –	– – –	– – –	1,203 6 2
1840	– – –	85 6 2	1,118 – –	– – –	– – –	– – –	– – –	– – –	1,203 6 2
1841	– – –	85 6 2	1,118 – –	– – –	28 10 –	– – –	– – –	– – –	1,231 16 2
1842	– – –	85 6 2	1,118 – –	– – –	361 – –	– – –	400 – –	– – –	1,964 6 2
1843	– – –	81 6 2	1,118 – –	– – –	1,183 10 –	– – –	– – –	– – –	2,382 16 2
1844	– – –	81 6 2	1,185 7 –	– – –	2,115 11 8	11 19 1	530 – –	– – –	3,924 3 11
1845	– – –	81 6 2	2,113 10 –	92 3 –	2,110 12 5	270 3 –	529 – –	– – –	5,196 14 7
1846	– – –	53 18 10	1,093 – –	332 3 –	1,957 6 11	586 1 7	652 – –	– – –	4,674 10 4
1847	– – –	53 18 10	1,153 5 –	572 3 –	1,801 3 3	923 17 3	23 10 –	– – –	4,527 17 4
1848	– – –	53 18 10	1,093 – –	812 3 –	1,735 15 –	1,055 13 10	– – –	– – –	4,750 10 8
1849	– – –	53 18 10	1,194 11 –	1,052 3 –	1,949 10 –	1,085 13 –	1,148 19 7	– – –	6,484 15 5
1850	– – –	51 8 5	1,093 – –	1,052 3 –	1,960 6 8	1,156 5 1	– – –	– – –	5,313 3 2
1851	– – –	33 2 –	1,303 2 2	400 – –	1,938 – 6	1,201 15 10	– – –	– – –	4,876 – 6
1852	– – –	86 16 8	1,093 – –	400 – –	1,911 6 8	1,255 8 6	4 1 3	680 18 3	5,431 11 4
1853	– – –	736 6 –	1,093 – –	400 – –	1,912 10 11	1,364 3 5	– – –	372 7 5	5,878 7 9
1854	– – –	160 9 4	1,093 – –	400 – –	1,913 6 8	1,348 – –	– – –	– – –	4,914 16 –
1855	– – –	150 9 4	1,093 – –	315 – –	1,913 6 8	1,348 – –	– – –	– – –	4,819 16 –
£.	1,092 12 9	2,330 8 9	22,205 15 2	5,827 18 –	24,791 17 4	11,607 – 7	3,287 10 10	1,053 5 8	72,196 9 1

* The Commissioners have also transferred to the University of Durham, in partial endowment thereof, and to certain livings in the diocese, in recognition of local claims, land and tithes of the estimated fee-simple value of - - - - - - - - - 92,890 – –

£. 165,086 9 1

Maltby Fund.—In addition to the above, the Commissioners have, out of the voluntary contributions received from the Bishop, appropriated towards providing parsonage-houses in the diocese of Durham the sum of - - £. 16,170 – –

A balance of £. 5,105. 8. 4. on account of this fund is still available to meet further applications from the diocese.

James J. Chalk, Secretary.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

REVENUES AND ACCOUNTS.

SUMMARY of RECEIPTS and PAYMENTS from August 1836 to November 31st, 1855, compiled from the GENERAL REPORTS of the COMMISSIONERS.

	£.	s.	d.	£.	s.	d.
RECEIPTS:						
From Bishops' Estates - - - - -	356,264	5	11			
„ Capitular Estates - - - - -	460,838	15	5			
„ * Any other sources - - - - -	2,899,156	9	5			
				3,716,259	10	9
PAYMENTS:						
To Bishops - - - - - - -	341,805	2	11			
„ Capitular Bodies - - - - - -	101,912	19	1			
„ The Erection of Episcopal Residences - -	52,434	-	6			
„ „ Parsonage Houses - -	178,368	-	3			
„ Relieving Spiritual Destitution - - -	818,145	14	11			
„ * Other Payments - - - - -	1,901,918	12	9			
				3,394,584	10	5
				7,110,844	1	2
Surveyors, Solicitors, Managers, Receivers, Staff at the Central Office, and Agents - - -	-	-	-	204,661	9	10
TOTAL RECEIPTS and PAYMENTS - - £.				7,315,505	11	—

11, Whitehall Place,
4 April 1856.

* *See* Answer to Question 3034, p. 219.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

SUMMARY of RECEIPTS and PAYMENTS during the Three Years preceding the 1st November 1855,

RECEIPTS.

	1853.	1854.	1855.	TOTALS.	£. s. d.
CASH at the Bank of England 31st October 1852					26,527 8 11
IN RESPECT OF INCOME:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Episcopal revenues	25,497 13 1	28,821 3 8	23,913 6 –	78,232 2 9	
Capitular – ditto	51,183 2 10	61,451 6 7	61,258 2 1	173,892 11 6	
Estates vested in Commissioners	46,592 18 7	58,725 18 2	75,316 17 1	180,635 13 10	
Interest on Government securities, and on purchase-monies of Estates sold	11,326 12 8	5,884 7 1	11,978 10 9	29,189 10 6	
Property and income tax, balance	663 8 9	1,446 16 9	3,655 2 4	5,765 7 10	
Casual receipts	608 15 6	61 19 6	553 16 8	1,224 11 8	
					468,939 18 1
IN RESPECT OF CAPITAL:					
Estates sold	279,945 8 5	113,104 5 4	204,971 4 2	598,020 17 11	
Mortgage paid off	3,000 – –	– – –	– – –	3,000 – –	
Pancras Estate	2,968 8 7	4,837 2 11	– – –	7,805 11 6	
Maltby Fund	2,675 3 6	3,509 15 –	4,046 13 11	10,231 12 5	
Executors of the will of the late H. Gally Knight, esq.	46,577 12 3	– – –	304 4 2	46,881 16 5	
Benefactions in respect of certain livings	1,957 2 2	– – –	1,200 – –	3,157 2 2	
Canterbury Chapter, repayment of sum advanced as per last year's account	– – –	19,500 – –	– – –	19,500 – –	
Church Estates Commissioners, on account of surplus under Episcopal and Capitular Estates Management Acts	– – –	100,000 – –	100,000 – –	200,000 – –	
Queen Anne's Bounty, towards providing a parsonage	– – –	656 13 8	– – –	656 13 8	
Chancels, towards repairs of	– – –	203 1 6	– – –	203 1 6	
Lampeter College, sale of an advowson	– – –	634 4 –	– – –	634 4 –	
Consolidated £. 3 per Cent. Annuities (£. 85,000 Stock) sold	53,810 1 6	– – –	26,612 7 6	80,422 9 –	
Reduced £. 3 per Cent. Annuities (£. 185,000 Stock) sold	69,208 6 8	59,343 – –	45,462 10 –	174,013 16 8	
Casual receipts	286 8 11	197 14 5	– – –	484 3 4	
					1,145,011 8 7
				£.	1,640,478 15

- - - ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

mpiled from the Sixth, Seventh, and Eighth General Reports of the Commissioners.

PAYMENTS.

	1853.	1854.	1855.	TOTALS.	—
In respect of Income:	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
gmented Sees	38,574 14 4	39,252 2 3	43,952 13 7	121,779 10 2	
,, Chapters	9,364 2 4	10,227 3 6	10,449 10 10	30,040 16 8	
,, Archdeaconries	4,623 14 4	4,921 11 9	4,768 14 10	14,314 – 11	
,, Livings	80,813 6 9	81,496 7 4	82,884 19 2	245,194 13 3	
,, Minor canons	- - -	432 – –	432 – –	864 – –	
een Anne's Bounty, interest on borrowed stock	18,000 – –	18,000 – –	18,000 – –	54,000 – –	
scopal residence, rent	300 – –	300 – –	- - -	600 – –	
iversity of Durham, annual payment	400 – –	400 – –	400 – –	1,200 – –	
ent fees, Durham and Ely	242 16 8	261 19 4	315 9 4	820 5 4	
thwell Collegiate Church, establishment and fabric	1,679 19 3	1,613 8 3	1,553 1 –	4,846 8 6	
st fruits and tenths, in respect of prebendal estates	697 11 8	770 5 3	862 5 5	2,330 2 4	
erests, dividends, &c.	3,092 8 6	- - -	- - -	3,092 8 6	
con Collegiate Church	- - -	119 17 8	112 – –	231 17 8	
Mary Magdalene College, Cambridge University (Mastership Endowment)	- - -	97 19 9	282 10 7	380 10 4	
hfield Cathedral Fabric Fund	- - -	123 5 6	115 11 5	238 16 11	
erest on purchase-monies of estates bought	- - -	4,862 5 5	6,893 16 10	11,756 2 3	
cial establishment	4,920 16 11	5,696 11 1	6,726 12 11	17,344 – 11	
nk of England, daily attendance of clerks	24 – –	24 – –	24 – –	72 – –	
ditor	200 – –	200 – –	200 – –	600 – –	
icitors	739 8 –	477 6 9	658 14 8	1,875 9 5	
rveyors	649 3 5	532 – 8	370 12 3	1,551 16 4	
chitects	293 2 –	288 19 2	109 10 10	691 12 –	
scellaneous	513 7 11	118 5 2	169 9 5	801 2 6	
					514,625 14 –
In respect of Capital:					
ates purchased	292,546 6 11	168,216 11 8	272,566 – 4	733,328 18 11	
icitor's charges (in respect of 694 cases of sale, urchase, and exchange of estates)	4,281 7 4	5,296 11 9	7,549 13 3	17,127 12 4	
rveyor's charges (in respect of valuation of property xceeding in value £.3,127,000, and of 645 cases f sale, purchase, or exchange of estates)	5,467 6 10	5,520 6 10	6,294 11 1	17,282 4 9	
m and other buildings, and improvements on estates n hand	- - -	- - -	4,154 5 8	4,154 5 8	
ainage on - - - ditto - - - ditto	- - -	- - -	2,903 5 2	2,903 5 2	
icras Estate	4,754 7 4	6,606 6 3	- - -	11,360 13 7	
mmutation payments to Bishops and Chapters, in espect of estates transferred to the Commissioners, alance	- - -	26,468 1 10	26,966 10 4	53,434 12 2	
mmutation annuities to prebendaries and other dig- itaries, in respect of estates surrendered	7,931 8 4	11,267 16 9	13,190 19 4	32,390 4 5	
vards providing parsonage houses, glebe land, &c.	6,650 3 5	1,575 19 9	1,753 19 7	9,980 2 9	
ltby Fund	1,490 – –	910 – –	1,146 5 –	3,546 5 –	
ly Knight Fund	- - -	800 – –	7,994 – –	8,794 – –	
nterbury Chapter, advanced at interest to meet a urchase under Church Estates Act, until receipt of urchase-monies of Chapter estates, previously greed to be sold	19,500 – –	- - -	- - -	19,500 – –	
ncels, &c.	- - -	850 7 6	662 16 3	1,513 3 9	
lverhampton, St. Peter Church reparation	- - -	1,400 – –	670 5 –	2,070 5 –	
rham Chancellor, arrear of Patent Fees	- - -	551 16 8	- - -	551 16 8	
mpeter College	- - -	9 19 6	- - -	9 19 6	
llenhall Holy Trinity, new church (under Act 11 & 2 Vict. c. 95)	- - -	- - -	300 – –	300 – –	
nbeth, St. Andrew, in part repayment of deposit on ccount of new church	- - -	- - -	2,100 – –	2,100 – –	
vards providing increased office accommodation for he business of the Commissioners	- - -	- - -	2,525 – –	2,525 – –	
solidated £. 3 per Cent. Annuities (£. 74,782. 4. 1. tock) bought	20,294 9 5	17 5 7	50,017 7 7	70,329 2 7	
duced £.3 per Cent. Annuities (£. 10,556. 6. 2. tock) bought	10,492 8 4	75 10 –	116 18 9	10,684 17 1	
hequer Bills (£. 4,600) bought	603 14 11	906 9 8	3,116 17 2	4,627 1 9	
scellaneous	- - -	- - -	326 – –	326 – –	
					1,008,839 11 1
CASH at the Bank of England, 31 October 1855					117,013 10 6
				£.	1,640,478 15 7

Appendix.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

BENEFICES, DISTRICTS, AND NEW PARISHES.

Augmentations, Endowments, and Local Claims.

SUMMARY of Grants towards the Augmentation of Benefices and the Endowment of Districts and New Parishes.

	£.	£.
General Grants.		
Annual money payments - - - - - - - -	68,827	
Gross payments, 75,000 *l.*, representing at 3 ½ per cent. - -	2,500	
		71,327
Local Claim Grants.		
Annual money payments - - - - - - - -	8,913	
Tithe rent-charges commuted at - - - - - - -	1,646	
Land, &c., 278 A. 1 R. 3 P., of the annual value of - - -	800	
Gross payments, 25,000 *l.*, representing at 3 ½ per cent. - -	833	
		12,192
Benefactions.		
Maltby Fund:		
Gross payments, 16,170 *l.*, representing at 3 ½ per cent. -	537	
Gally Knight Fund:		
Gross payments, 37,500 *l.*, representing at 3 ½ per cent. -	1,250	
From other Sources:		
Houses, land, &c., of the annual value of - - - -	3,000	
Gross payments, 130,600 *l.*, representing at 3 ½ per cent. -	4,350	
		9,137
Perpetual annuity equivalent to the above grants - - £.		92,656
Capital sum equivalent (at 3 ½ per cent.) to the above annuity -		£. 2,779,680
Total Number of Benefices augmented - - -	863	
Total Number of Districts, &c., endowed - - -	248	
	1,111	

11, Whitehall-place,
1 March 1856.

The following Table presents, in a different and more detailed shape, the same results as the foregoing statement.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

SUMMARY of GRANTS towards the AUGMENTATION of BENEFICES, and the ENDOWMENT of DISTRICTS and NEW PARISHES.

BENEFICES, DISTRICTS, AND NEW PARISHES.	GENERAL GRANTS.			LOCAL CLAIM GRANTS.					BENEFACTIONS.				
					Land, &c.				Maltby Fund.	Gally Knight Fund.	From various Sources.		
	Numbers of Benefices, Districts, &c.	Annual Money Payments.	Gross Payments.	Annual Money Payments.	Acreage.	Annual Value.	Tithe Rent Charges.	Gross Payments.			Land.		Gross Payments.
									Gross Payments.	Gross Payments.	Acreage.	Annual Value.	
Benefices:		£.	£.	£.		£.	£.	£.	£.	£.		£.	£.
Population, 2,000 and upwards; income raised to £.150	270	17,419											
„ 1,000 and below 2,000 - „ - 120	104	4,878											
„ 500 and below 1,000 - „ - 100	91	4,129											
„ below 500 - - - - - „ - 80	61	1,569											
Dealt with according to special circumstances - -	337	9,754											
	863	37,749	75,000	6,833	278	800	1,145	25,000	16,170	37,500	- -	1,000	40,600
Districts and new parishes - - - - - - - -	248	31,078	- -	2,080	- -	- -	501	- -	- -	- -	- -	2,000	90,000
TOTALS - - -	1,111	68,827	75,000	8,913	278	800	1,646	25,000	16,170	37,500	- -	3,000	130,600

The perpetual annuity, equivalent to the above grants (the gross payments being estimated at 3 ½ per cent.), is as follows, viz.:—

	£.
General grants - - - - - - - - - - - - - - - -	71,327
Local claim grants - - - - - - - - - - - - - - -	12,192
Benefactions - - - - - - - - - - - - - - - -	9,137
PERPETUAL ANNUITY - - -	£. 92,656
Capital sum equivalent (at 3 ½ per cent.) to the above annuity - - - - - - -	£. 2,779,680

11, Whitehall-place, 1 March 1856.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

RETURN of TITHE-RENTCHARGES vested in the Commissioners in Possession, the Acquisition of which has not involved any Expenditure from their Common Fund, and upon which Local Claims have accrued.

Made up to 1st March 1856.

Note.—The Asterisk (*) denotes that the Benefice is provided with a Parsonage House.

Parish and County.	Gross Annual Amount of Tithe-Rentcharge vested in Commissioners.	BENEFICES IN PARISH. Name.	Present Income, including Commissioners' Grant.	Population.	OBSERVATIONS.
	£. s. d.		£.		
Abingdon, St. Nicholas, Berks.	11 – –	Abingdon, St. Nicholas, R. (held with Abingdon, St. Helen, V.)	262	7,353	The whole of this Tithe-rentcharge annexed to Rectory.
Ashbury, Berks	157 19 8	Ashbury, V.	* 375	786	
Aycliffe, Durham	78 18 4	Aycliffe, V.	* 246	1,366	
Bedlington, Northumberland.	897 7 8	Bedlington, V.	* 454	5,101	
Billingham, Durham	751 18 –	Billingham, V.	* 240	1,241	£. 126 per annum granted to the perpet curacy for seven years, until the commen ment of a prospective grant by the Dean Chapter of Durham, and arrangements are progress for raising the income of the Vicar to 300 *l.*
		Wolviston, P. C.	* 180	871	
Castle Eden, Durham	91 – –	Castle Eden, R.	* 242	491	The whole of this Tithe-rentcharge has b annexed to the rectory, to meet a benefact by the private patron.
Cilcen, Flint	472 3 4	Cilcen, V.	* 300	1,600	£. 50 per annum, a house, and 13 acres of l granted to vicarage, and 60 *l.* per annum the perpetual curacy.
		Rhes-y-Cae, P. C. (partly taken out of Cilcen Parish)	72	970	
Cwm, Flint	268 19 3	Cwm, V.	* 273	558	£. 50 per annum, and a house granted to Vicars
Dalton-le-Dale, Durham	90 – –	Dalton-le-Dale, V.	* 201	1,587	The whole of this Tithe-rentcharge annexed the perpetual curacy.
		Seaham Harbour, St. John, P. C.	340	3,538	
Darowen, Flint; and Llanbrynmair, Montgomery	355 – –	Darowen, V.	* 223	975	The whole of this Tithe-rentcharge annexed follows: viz., 40 *l.* 15 *s.* 7½ *d.* to Darowen Vic age; 99 *l.* 2 *s.* 8 *d.* to Llanbrynmair Vicara and 215 *l.* 1 *s.* 8½ *d.* to Dylife District.
		Llanbrynmair, V.	* 330	1,770	
		Dylife District	215	672	
Elm and Emneth, Cambridge.	2,195 11 10	Elm, V., with Emneth, C.	709	2,911	
Figheldean, Wilts	650 11 10	Figheldean, V.	* 164	527	The Commissioners have agreed to annex to Vicarage so much of the Tithe-rentcharge will be sufficient to raise the income to 35 per annum, and 2 A. 3 R. 25 P. of land.
Gedney, Lincoln	1,148 10 –	Gedney, V.	* 900	1,582	An endowment of 150 *l.* per annum provided Drove End District.
		Drove End District	150	400	
		Gedney Hill, P. C.	* 102	537	
Heighington, Durham	284 10 –	Heighington, V.	* 300	1,201	£. 54. 10 *s.* of this Tithe-rentcharge annexed the vicarage, and 30 *l.* per annum granted the perpetual curacy.
		Ingleton, P. C. (part of Heighington Parish annexed)	* 80	635	
Henllan and Llansannan, Denbigh.	1,392 12 6	Henllan, V.	* 385	1,100	£. 916. 15 *s.* of this Tithe-rentcharge annexed follows: viz., 350 *l.* 3 *s.* 4 *d.* to Henllan Vic age; 250 *l.* 13 *s.* 5 *d.* to Trefnant Distri 250 *l.* 18 *s.* 3 *d.* to Bylchau District, and 6 to Denbigh Rectory.
		Trefnant District	250	613	
		Bylchau District	250	560	
		Denbigh, R. (part of Henllan Parish annexed)	* 400	4,100	
		Llansannan, V.	* 376	1,079	

Parish and County.	Gross Annual Amount of Tithe Rent-charge vested in Commissioners.	BENEFICES IN PARISH. Name.	Present Income, including Commissioners' Grant.	Population.	OBSERVATIONS.
	£. s. d.		£.		
, or Estyn, Flint -	514 8 –	Hope, or Estyn, V. - - -	* 214	1,787	23 A. 1 R. 7 P. of land and a house granted to vicarage, and 68 *l.* per annum to the perpetual curacy, in addition to a previously existing charge of 80 *l.* per annum on these tithes.
		Llanfynydd, P. C. - - -	* 150	1,005	
wrywg, Monmouth -	64 17 –	Killgwrywg, P. C. - - -	57	154	
's Teignton, and ghweek, Devon -	385 – –	King's Teignton, V., with - -	* 266	1,658	The Commissioners have agreed to raise the income of each of these livings to 300 *l.* per annum, and to provide a house for the perpetual curacy upon their separation.
		Highweek, P. C. - - -	215	1,399	
field, St. Chad, and . Michael, Stafford -	100 2 5	St. Chad, P. C. - - - -	162	1,817	
		St. Michael, P. C. - - -	150	2,851	
		Christ Church, P. C. - - -	* 130	863	
		Burntwood, P. C. - - -	* 78	781	
		Wall, P. C. - - - -	40	188	
disilio Gogo, and angranog, Cardigan -	450 – –	Llandisilio Gogo, V., with Llangranog, V. - - - -	* 200	2,249	
		Cape Cynon - - - - -	75	—	
drillo, Merioneth -	343 6 8	Llandrillo, V. - - - -	200	875	26 *l.* per annum, and 9 A. 1 R. 24 P. of land granted to the vicarage.
fawr, Merioneth -	304 – –	Llanfawr, V. - - - -	* 180	1,400	The Commissioners have agreed to annex 65 *l.* of this Tithe-rentcharge to the Vicarage, and the local claim of the perpetual curacy is under consideration.
		Holy Trinity, P. C. - - -	* 114	375	
fechan, Montgomery -	1 12 6	Llanfechan, R. - - - -	* 530	693	
saintffraed, Montgomery - - -	570 – –	Llansaintffraed-yn-Mechan, V. -	* 230	1,200	20 *l.* per annum, and 24 A. 0 R. 17 P. of land granted to vicarage, and the further consideration of the local claim is before the Commissioners. A parsonage house has been provided for the perpetual curacy by the Commissioners and the private patron.
		Penrhos, P. C. (taken partly out of Llansaintffraed parish) - -	* 141	857	
vihangel, Montgomery	16 10 –	Llanvihangel, R. - - - -	334	1,029	The whole of this Tithe-rentcharge annexed to the perpetual curacy.
		Pont Robert, P. C. - - -	71	600	
wyddyn, Montgomery	20 – –	Llanwyddyn, P. C. - - -	* 100	520	The whole of this Tithe-rentcharge annexed to this perpetual curacy to meet a benefaction from the private patron.
yblodwell, Salop -	38 17 5	Llanyblodwell, V. - - - -	* 271	931	The whole of this Tithe-rentcharge annexed to the perpetual curacy.
		Rhydycroesau, P. C. - - -	63	401	
rington, Durham -	646 5 –	Merrington, R. - - - -	* 211	504	479 *l.* 5 *s.* 6 *d.* of this Tithe-rentcharge annexed as follows, viz.: 88 *l.* 18 *s.* to Merrington rectory, 276 *l.* 2 *s.* 6 *d.* to Ferryhill perpetual curacy, and 114 *l.* 5 *s.* to Croxdale perpetual curacy.
		Ferry Hill, St. Luke, P. C. - -	* 276	1,935	
		Croxdale, P. C. - - - -	* 120	438	
bryn, Cardigan -	25 – –	Pembryn, V. - - - -	309	2,430	
saph, Denbigh, and Flint	579 – –	St. Asaph, V. - - - -	179	3,576	
dhurst, Berks - -	150 – –	Sandhurst, P. C. - - - -	* 150	815	The whole of this Tithe-rentcharge annexed to this perpetual curacy.
th Carlton, Lincoln -	500 – –	South Carlton, P. C. - - -	200	300	£. 160 per annum granted to this perpetual curacy.
ning, Berks - -	161 6 8	Sonning, V., with All Saints, C. -	* 451	1,885	£. 62 per annum granted to the perpetual curacy, and the remainder reserved for the endowment of All Saints Chapelry upon a separate district being assigned thereto.
		Earley, St. Peter, P. C. - -	* 100	700	
rlby, Lincoln - -	204 1 10	Thurlby, P. C. - - - -	* 55	156	£. 9 per annum granted to this perpetual curacy, in addition to a previously existing charge of 13 *l.* per annum upon these tithes. The Commissioners have agreed to raise the endowment to 80 *l.* per annum upon its ceasing to be held with another living.
on, Warwick - -	380 – –	Ufton, P. C. - - - -	* 200	320	£. 185 12 *s.* of this Tithe-rentcharge, 16 A. 2 R. 30 P. of land, and a contribution towards a parsonage house granted to this perpetual curacy.
llsend, Northumberland	266 2 10	Wallsend, P. C. - - - -	281	5,721	
st Tarring, Heene, and Durrington, Sussex -	699 – –	West Tarring, V. - - - -	* 474	1,003	£. 380 per annum granted to this vicarage.
nterbourne Dantzey, Wilts.	241 15 –	Winterbourne Dantzey, P. C. - -	80	187	£. 46 per annum granted to this perpetual curacy, and the further consideration of the local claim is now before the Commissioners.
lvey, Warwick - -	5 9 6	Wolvey, V. - - - - -	* 206	963	The Commissioners have agreed to annex the whole of this Tithe-rentcharge to the vicarage.
lmpton - - - and	307 – –	Yealmpton, V., - - - -	* 300	1,155	The Commissioners have agreed to annex the Tithe-rentcharge of the parish of Revelstoke, amounting to 139 *l.*, to the perpetual curacy, upon its separation from the vicarage, and its endowment with the vicarial lands and Tithe-rentcharge of Revelstoke.
velstoke, Devon - -	139 – –	with Revelstoke, P.C. - - -	100	510	

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

RETURN of TITHE-RENTCHARGES, the Possession of which has been acquired by Expenditure out of the Common Fund, and on which no Local Claim at present attaches, beyond the extent of Small Rents which were Reserved by the Beneficial Leases of such Tithes.

Made up to 1st March 1856.

PARISH AND COUNTY.	Gross Annual Amount of Tithe-Rentcharge vested in Commissioners.	BENEFICES IN PARISH.		
		Name.	Present Income.	Population.
	£. s. d.		£.	
Balderton, Notts	28 1 –	Balderton, V. (held with Farndon, V.)	216	1,860
Bugthorpe, York	20 – –	Bugthorpe, V.	102	1,361
Chardstock, Dorset	490 – 2	Chardstock, V.	450	1,168
		All Saints, P. C.	150	426
Chigwell, Essex	887 4 8	Chigwell, V.	500	1,672
		St. John's, P. C.	60	293
Corringham, Lincoln	210 2 11	Corringham, V.	200	684
Cudworth, Somerset	133 6 8	Cudworth, P. C.	63	181
Easton, Hunts	20 – –	Easton, V.	68	177
Empingham, Rutland	488 6 –	Empingham, V.	400	938
Halloughton, Notts	146 – –	Halloughton, P. C.	46	79
Knowle St. Giles, Somerset	40 – –	Knowle, P. C.	72	92
Llanfair-tal-haiarn, Denbigh	230 5 –	Llanfair-tal-haiarn, P. C.	145	386
Mark, Somerset	295 12 –	Mark, P. C.	175	1,245
Meliden, Flint	350 – –	Meliden, P. C.	120	1,209
Osbaldwick, York	65 – –	Osbaldwick, V.	145	372
Paignton and Marldon, Devon	620 – –	Paignton, V., with Marldon, C.	498	3,260
Skegby, Notts	310 – –	Skegby, P. C.	78	865
Stow, Lincoln	563 12 6	Stow, P. C.	310	1,049
Strensall, York	115 – –	Strensall, V., with Haxby, C.	250	961
Wedmore, Somerset	340 – –	Wedmore, V.	300	2,346
		Theale, P. C.	200	908
		Blackford, P. C.	145	651
Wellington, Hereford	258 10 7	Wellington, V.	280	689
Ystradowen, Glamorgan	184 10 7	Ystradowen, P. C.	41	221

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

RETURN of TITHE-RENTCHARGES, the Possession of which has been acquired by Expenditure out of the Common Fund, and on which no local claim at present attaches.

Made up to 1st March 1856.

PARISH AND COUNTY.	Gross Annual Amount of Tithe-Rentcharge vested in Commissioners.	BENEFICES IN PARISH.		
		Name.	Present Income.	Population.
	£. s. d.		£.	
Abthorpe, Northampton	220 – –	Abthorpe, V.	184	500
Acton, Chester	84 – –	Acton, V.	627	3,165
		Burley Dam, P. C.	100	
Aldborough, York	280 – –	Aldborough, V.	368	793
		Boroughbridge, P. C.	82	1,095
		Dunsforth, P. C.	51	303
		Roecliffe, P. C.	45	247
Alternon, Cornwall	256 5 –	Alternon, V.	320	1,216
Appleby, St. Michael, Westmorland	115 – –	Appleby, St. Michael, V.	175	1,256
Askham and East Drayton, Notts	501 10 –	East Drayton, V., with Askham, C.	165	711
Barnby-on-the-Moor, York	10 9 1	Barnby Moor, V.	50	486
Beckingham, Notts	103 13 3	Beckingham, V.	110	456
Brampton, Hunts	92 6 –	Brampton, V.	160	1,281
Bubwith, York	308 13 4	Bubwith, V.	102	1,361
Burton Pidsea, York	142 17 7	Burton Pidsea, V.	42	394
Carlisle, St. Cuthbert, Cumberland	227 16 8	St. Cuthbert, P. C.	150	3,095
		Christ Church, P. C.	150	7,966
		Upperby, P. C.	60	1,822
Carlisle, St. Mary, Cumberland	111 6 2	St. Mary, P. C.	79	7,658
		Caldewgate, Holy Trinity, P. C.	196	8,347
		Wreay, P. C.	86	149
Corbridge, Northumberland	711 10 –	Corbridge, V., with Halton, C.	482	2,163
Cross Canonby, Cumberland	35 9 7	Cross Canonby, P. C.	150	466
		With Maryport, P. C.	162	5,716
Dalston, Cumberland	38 – –	Dalston, V.	283	2,690
Darlington, Durham	117 15 –	Ivegill, or Highead, P. C.	80	154
		Darlington, V.	300	5,126
		Trinity, P. C.	150	3,779
		St. John's, P. C.	160	3,458
Doddington, Kent	347 10 –	Doddington, V.	257	489
Eastry, Kent	910 – –	Eastry, V.	310	1,697
Fangfoss, York	7 – –	Fangfoss, V.	46	188
Felpham, Sussex	717 – –	Felpham, V.	166	596
Gedney, Lincoln	551 10 –	Gedney, V.	900	1,582
		Dove End District	150	400
		Gedney Hill, P. C.	102	537
Hayton, Cumberland	143 11 11	St. Mary, P. C., with Talkin, C.	133	946
Hayton, York	60 – –	Hayton, V., with Bealby, P. C.	288	525
Hesket-in-the-Forest, Cumberland	75 16 9	Hesket-in-the-Forest, P. C.	150	2,051
		Armathwaite, P. C.	50	
Holbeach, Lincoln	5,000 – –	Holbeach, V.	702	5,191
Icklesham, Sussex	464 12 –	Icklesham, V., with Rye Harbour, C.	715	728

PARISH AND COUNTY.	Gross Annual Amount of Tithe-Rentcharge vested in Commissioners.	BENEFICES IN PARISH.		
		Name.	Present Income.	Population.
	£. s. d.		£.	
Langford, Berks	330 14 –	Langford, V., with Little Farringdon, C.	310	751
Leighton Buzzard, Bedford	426 7 6	Leighton Buzzard, V.	163	4,465
		Standbridge, P. C.	100	597
		Billington, P. C.	80	456
		Egginton, P. C.	94	431
		Heath and Reach, P. C.	95	125
Linstead, Kent	627 1 4	Linstead, V.	216	977
Merryn, St., Cornwall	410 – –	St. Merryn, V.	257	591
Mortlake, Surrey	400 – –	Mortlake, P. C.	180	3,110
Morton, Notts	50 12 6	Morton, P. C.	81	140
Millington, York	11 – –	Millington, V. (held with Great Givendale, V.)	219	364
Northallerton, York	220 16 9	Northallerton, V. with Deighton, C.	697	3,617
		Brompton, P. C.	120	1,491
		High Worsall, P. C.	80	130
Oswald, St., Chester	24 11 –	St. Oswald, V., with Bruera, C.	245	4,492
Pencoyd, Hereford	153 1 2	Pencoyd, P. C.	– –	239
Pickering, York	1,607 5 –	Pickering, V., with Newton, P. C.	150	3,458
				252
		Goatland, P. C.	58	451
Putney, Surrey	620 – –	Putney, P. C.	362	4,394
		Roehampton, P. C.	– –	886
Roystone, York	1,548 15 8	Roystone, V.	166	1,256
		Monk Bretton, P. C.	150	2,339
		Woolley, P. C.	200	450
Rockliffe, Cumberland	16 2 5	Rockliffe, P. C.	100	941
Roughton, Norfolk	197 – –	Roughton, V.	100	412
Southwell, Notts	479 – –	Southwell, R.	450	2,617
		Trinity Church, P. C.	100	899
Stone-next-Faversham, Kent	212 16 3	Stone-next-Faversham, S. R.	220	91
Stanwix, Cumberland	307 18 6	Stanwix, V.	264	1,895
		Houghton St. John, P. C.	40	883
Stratford Subcastle, Wilts	149 15 9½	Stratford Subcastle, P. C.	80	335
Towcester, Northampton	395 – –	Towcester, V.	250	2,665
Whittingham, Northumberland	104 – –	Whittingham, V.	540	1,905
Wimbledon, Surrey	525 – –	Wimbledon, V.	170	2,693
Worth, Kent	623 4 6½	Worth, P. C.	375	471
Wybunbury, Chester	38 – –	Wybunbury, V.	295	2,971
		Doddington, P. C.	– –	721
		Weston, P. C.	54	697

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

MALTBY FUND.

RETURN of the Number of CASES of APPLICATIONS for GRANTS, in which such Grants have either been refused by the Ecclesiastical Commissioners, stating the grounds of refusal, or have lapsed, owing to the inability of the Incumbent to comply with the Conditions.

Made up to 1st March 1856.

No. 1.—GRANTS REFUSED.

NO.	BENEFICE.	GROUNDS OF REFUSAL.
1	Ellingham, V.	Population, 940. Income exceeding 600*l.* per annum.
2	Elton, R.	Population, 96. Income exceeding 200*l.* per annum.
3	Forest, C., and Harwood, C., in Middleton in Teesdale, R.	No district assigned.
4	Garrigill, C., in Alston Moor, V.	No district assigned.
5	Grindon, V.	Circumstances not considered such as to call for a grant.
6	Hart, V.	Application being for a grant to liquidate mortgage debt to Queen Anne's Bounty.
7	Heddon-on-the-Wall, V.	Application being for a grant to liquidate mortgage debt to Queen Anne's Bounty.
8	Hendon, P. C.	Another fund being specially applicable.
9	Kirkharle, V.	Circumstances not considered such as to call for a grant.
10	Newton-le-Wold, R.	Not within Diocese of Durham.
11	Scremerston, St. Peter, P. C.	Application for grant to pay for papering and painting.
12	Shadforth, P. C.	Proposed enlargement of the house not considered necessary.
13	Shilbottle, V.	The general state of the house not being such as to justify the expense of the proposed reparation and improvement.
14	Warkworth, V.	Application being for restoration of outbuildings. Income of living 500*l.* per annum.
15	Whitley, P. C.	Incumbent having another living with a house, determined not to build.
16	Whorlton, P. C.	Population under 300. Vicarage largely endowed, in the patronage of Trinity College, Cambridge, who own the rectorial tithes of the parish.

No. 2.—GRANTS LAPSED.

NO.	BENEFICE.	AMOUNT OF GRANT.	CAUSE OF LAPSE.
		£.	
1	Allenhead, St. Peter, P. C.	300	Inability of Incumbent to procure funds.
2	Birtley, P. C.	150	Inability of Incumbent to procure funds.
3	Crook, St. Catherine, P. C.	300	Inability of Incumbent to procure funds.
4	Hunwick, P. C.	400	Inability of Incumbent to procure funds.
5	Kyloe, P. C.	200	Inability of Incumbent to procure site.
6	Lucker, P. C.	200	Inability of Incumbent to procure funds.
7	Newcastle-upon-Tyne, V.	300	Inability of Incumbent to procure funds.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and new Parishes.

Benfieldside Parish.

ECCLESIASTIAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the Augmentation of St. Cuthbert's, Benfieldside New Parish.

Letter from the Churchwardens of *Benfieldside New Parish* to the Secretary.

Sir, 31 January 1856.

We, the undersigned, being churchwardens of St. Cuthbert's parish, Benfieldside, in the diocese and county of Durham, will feel obliged by your submitting the following application to the Ecclesiastical Commissioners' Board for an increase of stipend to the above perpetual curacy.

Our parish was constituted under Sir Robert Peel's Act in 1847, and an endowment of 150 *l.* per annum assigned to the incumbent.

This endowment we feel to be very inadequate for the labours he has to perform, and we trust it may be in the power of the Commissioners to increase it.

The population at the present time is about 10,000, and there is every prospect of a further increase; indeed, new works are being constantly erected, and a projected railway through the centre of the parish will most likely create a fresh impetus for speculation in building.

This dense population was brought together (since 1840, when it numbered some 400,) in the first instance for the purpose of working the ironstone and coal in the neighbourhood, which belongs to the Bishop of Durham, as lord of the manor, and has been a fruitful source of income to the lessee, who is a member of the Society of Friends, and in no way advances the interests of the Church.

The discovery of the varied minerals has led to the establishment of permanent ironworks on a very large scale.

For eight years the incumbent has had the sole charge of this parish, and he has had the pleasure of seeing not only a church, but likewise a parsonage house erected; the latter of which has been built at an outlay of some hundreds of pounds to himself.

Subjoined is an account of the receipts and disbursements of the living for the last year.

	£.	s.	d.	£.	s.	d.
Received from Ecclesiastical Commissioners				150	–	–
Ditto - - - fees				15	10	6
				165	10	6
Paid interest on 300 *l.* borrowed for building the house	15	–	–			
Paid interest on 150 *l.* borrowed of Governors of Queen Anne's Bounty	9	11	10			
Paid income-tax	11	–	–			
Paid insurance, poor and highway rate and house duty	5	17	5			
				41	9	3
Net Income for 1855			£.	124	1	3

After a perusal of the above statement, we trust the Board will think, with us, that we have a very legitimate reason for calling their attention to such a case of starvation in a diocese where the Church is known to possess such ample means within herself for the proper support of the clergy.

Trusting that the Board of Commissioners will take our application into their serious consideration, and grant us the required assistance, or advise what further steps should be taken to obtain it,

(signed) *John Renton.*
Joseph Brodie.

Letter from the Secretary to the Churchwardens of *Benfieldside New Parish.*

Gentlemen, 11, Whitehall-place, 13 February 1856.

Benfieldside New Parish.

I have the honour to acknowledge the receipt of your communication of the 31st ultimo, setting forth the circumstances of the above benefice and its urgent need of an increased endowment, and I regret to have to acquaint you that the Ecclesiastical Commissioners for England have not at present at their disposal any general fund applicable to augmentation purposes from which they could render assistance towards the object desired by you.

I should

I should perhaps at the same time mention that the Commissioners have not yet in any case made an additional grant to a new parish constituted under the Act 6 & 7 Vict. c. 37, for which the whole endowment required by that Act has been provided out of their common fund, although it would, of course, be competent to them to do so, should they see fit, when they shall have further means available for the improvement of inadequately endowed benefices.

(signed) *James J. Chalk.*

ECCCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Spennimoor proposed District.

CORRESPONDENCE relating to the Constitution and Endowment of the proposed District of SPENNIMOOR, to be taken out of the Parishes of BRANCEPETH, WHITWORTH, MERRINGTON, and FERRY HILL.

LETTER from the Rev. *A. D. Shafto* to the Secretary.

Sir, Brancepeth Rectory, Durham, 13 June 1854.

A PLAN has been proposed, which has obtained the consent of the Bishop of Durham, and the Dean and Chapter, as patrons of three of the livings concerned, to create a district, to be composed of a portion of the living of Brancepeth, Whitworth, Merrington, and Ferry Hill. I shall be obliged if you will forward me the requisite papers, that I may fill them up.

(signed) *A. Duncombe Shafto.*

LETTER from the Secretary to Rev. *A. D. Shafto.*

Sir, Whitehall-place, 16 June 1854.

I HAVE the honour to acknowledge the receipt of your letter of the 13th instant, applying for the necessary form of application to the Ecclesiastical Commissioners for England, for the constitution of a proposed district out of the parishes of Brancepeth, Whitworth, Merrington, and Ferry Hill.

Before complying with this request, I think it as well to point out to you that the Act 6 & 7 Vict. c. 37, (which is the only Act empowering the Commissioners to constitute districts) requires that an endowment of 150 *l.* per annum should be secured to the district at the time of its formation, and that, in the existing condition of the funds under the control of the Commissioners, such endowment must be provided independently of any grant from them.

Upon hearing from you that an endowment can be so provided, I will forward to you the necessary forms, &c.

(signed) *James J. Chalk.*

LETTER from the Rev. *A. D. Shafto* to the Secretary.

Sir, Brancepeth Rectory, Durham, 19 June 1854.

IN answer to yours of the 16th instant, respecting the endowment of the proposed new district of Spennimoor, I have to state that the Archdeacon of Durham will communicate with the Ecclesiastical Commissioners on the subject.

Towards the endowment I am prepared to alienate 50 *l.* a year from the tithes of the township of Tudhoe, and as the district will be formed from three of the Dean and Chapter's livings, forming a very important district, the inhabitants of which at present are destitute of spiritual instruction, I hope that the Chapter may be allowed to appropriate the tithes now in the hands of the Commissioners for that purpose.

(signed) *A. Duncombe Shafto.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and new Parishes.

Spennimoor proposed District.

LETTER from Venerable Archdeacon *Thorp* to the Secretary.

Sir, College, Durham, 3 July 1854.

SPENNIMOOR.

I AM desired by the Dean and Chapter of Durham to ask the attention of the Ecclesiastical Commissioners to the proposed new parish of Spennimore, to be created out of the parishes of Brancepeth, Whitworth, Merrington, and Ferry Hill, with a view to endowment. A population of many thousands has suddenly settled down upon a corner of these parishes, at a distance from all the churches, and beyond the reach of their respective ministers. The rector of Brancepeth proposes to cede 50 *l.* a year in consideration of relief from a remote charge, but the other clergymen are not in a condition to afford any loss of income. I am, therefore, to ask generally the aid of the Ecclesiastical Commissioners, and particularly the grant of any remaining part of the tithes of Merrington now in their hands, towards the support of Spennimoor.

Measures have been taken to secure a site, and some funds are ready for building a suitable church.

(signed) *Chas. Thorp,*
Archdeacon of Durham.

LETTER from the Rev. *A. D. Shafto* to the Secretary.

Sir, Redcar, Yorkshire, 19 July 1854.

THE Archdeacon of Durham having informed me yesterday that no reply has been received by the Chapter to their application to be allowed to apply a portion of the tithes belonging to Great Chilton to the endowment of the proposed new district of Spennimoor, I write to ask whether the Ecclesiastical Commissioners are likely to sanction the formation of the proposed district. The result of delay will be, that we shall lose the land promised by my brother, R. Duncombe Shafto, and a considerable sum of money left to build a church within a given time; and as the wants of the district are urgent, and in a short time the field will be occupied by other sects, it will be necessary for me to look to the wants of that portion of the proposed district which is my parish, and therefore I should wish to know whether it is the intention of the Commissioners to allow the proposed combination of portions of parishes or not.

(signed) *A. Duncombe Shafto,*
Rector of Brancepeth.

LETTER from the Secretary to the Venerable Archdeacon *Thorp.*

Dear Sir, Whitehall-place, 20 July 1854.

SPENNIMOOR PROPOSED DISTRICT.

IN answer to your letter of the 3d instant, I beg leave, on behalf of the Ecclesiastical Commissioners for England, to remind you that the condition of the fund under their control is such as to preclude them absolutely at present from making any general grant in this case. With regard, however, to the local claim on a portion of the rectorial tithes of Merrington still remaining in their hands, they would desire to have more distinct and full particulars of the arrangement which is suggested, and assuming that the case is one which you desire to bring, if possible, under the operation of the Act 6 & 7 Vict. c. 37, I enclose some copies of the form in which the particulars in question should be supplied.

(signed) *James J. Chalk.*

LETTER from the Secretary to Rev. *A. Duncombe Shafto.*

Sir, Whitehall-place, 20 July 1854.

SPENNIMOOR PROPOSED DISTRICT.

I HAVE the honour to acknowledge the receipt of your letter of yesterday's date, and to enclose a copy of one which I send to Archdeacon Thorp by this day's post.

This letter, which was written before I received yours, will, I think, answer your inquiries, as far as I am able to do so; but you will doubtless concur with me in thinking that considerable inconvenience may arise from my corresponding with more than one party on a matter of this nature.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 24 July 1854.

I AM directed by the Dean and Chapter of Durham to request you will be so good as to call the attention of the Ecclesiastical Commissioners to the application made by Archdeacon Thorp, on the 3d instant, for a grant from the tithes of the parish of Merrington, towards the endowment of a district to be formed from portions of the adjoining townships of Tudhoe, Merrington, Ferry Hill, and Whitworth.

I believe Archdeacon Thorp has represented to the Commissioners that the district proposed to be constituted under 6 & 7 Vict. c. 37, will contain a population of more than 3,000, of which about 2,000 now reside within the limits of the parish of Merrington, and that the whole of this population is at a distance of 2½ miles from any church.

This population will, no doubt, be very largely increased in consequence of the establishment of ironworks there.

The Rev. A. D. Shafto, the rector of the parish of Brancepeth, of which parish the township of Tudhoe is part, and which contains about 1,000 persons, has signified his desire to give towards the endowment of this district tithe rentcharges of the annual value of 50 *l.* There is also now ready a sum of 650 *l.* applicable to the building of a church, as well as a valuable and convenient site; but the fund for the building, as well as the offer of the site, is made contingent on the provision within a limited period of some endowment, and will be withdrawn if it be not shortly made.

The Commissioners are now possessed of the tithe rentcharges of Great and Little Chilton, within the parish of Merrington, formerly belonging to the Deanery of Durham, of the gross annual value of 166 *l.* 19 *s.* These, however, are subject to rates amounting, on an average, to 10 *l.* per annum, and to a rent to the Dean and Chapter of 9 *l.* 3 *s.* 4 *d.*, so that the clear annual value will not exceed 147 *l.* 15 *s.* 8 *d.*

The Dean and Chapter hope that the Ecclesiastical Commissioners will without delay grant their interest in those tithe rentcharges, and avail themselves of this opportunity, which, if allowed to pass by, will probably not occur again, of securing at once a church with an adequate endowment for a large and increasing population.

(signed) *Wm. Chas. Chaytor.*

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 25 July 1854.

I SEND you herewith a copy of a letter which I have written to Archdeacon Thorp upon the subject of yours of the 24th instant, relating to the tithes of Great and Little Chilton, in Merrington parish. Since the Archdeacon wrote to me, I have been also addressed upon the matter by the Rev. Duncombe Shafto, to whom I have sent a copy of the enclosure herein, and have pointed out the expediency of the correspondence being conducted by only one party on each side.

(signed) *James J. Chalk.*

LETTER from the Rev. *A. D. Shafto* to the Secretary.

Sir, Brancepeth Rectory, Durham, 17 August 1854.

SPENNIMOOR DISTRICT.

I HAVE been requested by* Archdeacon [Thorp] to correspond with you in this matter, and I therefore beg to enclose a map of the proposed district, with the enclosed papers filled up.

(signed) *A. Duncombe Shafto.*

* *See* Plan, No. VII., at the end of Appendix.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and new Parishes.

Spennimoor proposed District.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Diocese.

Office;—Whitehall-place, London.

FORM of INQUIRY, on Application being made to the ECCLESIASTICAL COMMISSIONERS FOR ENGLAND for constituting *a new District* for Spiritual Purposes under the Act 6 & 7 Vict. c. 37.

N.B.—No District can be constituted, *under this Act*, containing within its limits any *consecrated Church or Chapel in use for the purposes of Divine Worship* (see Section 9):—and the Commissioners have determined not to entertain, at present, any Application for a District *with a Population of less than* 2,000; unless the whole amount of the Endowment required by the Act can be provided independently of any grant from their funds.

No Church can be consecrated, as the Church of a District constituted under this Act, *so as to make the District a "New Parish,"* until such Church shall have been *approved by the Commissioners* (see Section 15). It is therefore obviously desirable, that before *final* arrangements are settled for providing any such Church some communication be made to the Commissioners, respecting its nature, site, and intended accommodation.

1. What Name is recommended for the proposed new District?	Spennimoor.
2. Does the proposed district comprise any part or parts of more Parishes, Chapelries or Districts than one?	Yes.
If so, state the Name of each Parish, Chapelry, or District here; and repeat them, with all the required particulars, in the following table.	The district will comprise within it parts of the parishes of Whitworth, Merrington, Ferry Hill and Brancepeth.
3. What is the Amount of the Population within the proposed District?	3,000.
4. Of what Classes of Persons, with reference to their Employments and Means, does this Population chiefly consist?	Of people working in the pits, iron foundries, and some agricultural labourers.
5. Is it likely to increase, and at what probable rate?	It is likely to increase as the ironworks become larger, say another 1,000.
6. What is the superficial Extent of the proposed District?	20,000.
7. Is there within the proposed District any *unconsecrated* Building, licensed by the Bishop for the performance of Divine Worship?	Yes.
Describe its nature;—state the number of sittings;—*and mark its situation on the map or plan to be returned herewith.*	There is a school-house at Spennimoor capable of holding 150 people, and a smaller one at Tudhoe in Brancepeth, which will hold 50, in which there are services on Sunday.
8. Is there within the proposed District any *unlicensed* Building fit to be licensed for Divine Worship?	No other than those mentioned.
Describe its condition;—state the number it is capable of accommodating;—*and mark its situation on the map or plan to be returned herewith.*	
9. Is any and what provision made, or contemplated, towards the permanent Endowment of the Minister of the proposed new District?	It is promised by the rector of Brancepeth to set apart 50*l.* from the tithes of Tudhoe. The Dean and Chapter of Durham wish to assign a portion of the tithes of Merrington.
State the amount of any sums paid or promised towards *this* object?	Paid - - £. Promised - £. 50 Total - - £. 50

10. Is any and what provision made, or contemplated, towards obtaining a House of Residence, or a site for such House? State the amount of any sums paid or promised towards *this* object.	Not at present. Paid - - £. Promised - £. Total - - £.
11. Are any and what measures already taken, or in contemplation, for or towards providing a Church within the proposed new District? State the amount of any sums paid or promised towards *this* object. *Mark the intended site of the proposed Church, on the map or plan to be returned herewith.*	Paid - - £. 450 Left by a lady, and in the hands of Church Building Commissioners. Promised - £. 600 Total - £. 1,050
12. What Number of Sittings is such Church to contain?	500.
13. How many of such Sittings are to be unappropriated?	All.
14. Is any and what arrangement proposed respecting the assignment of the Patronage of the new District, under the 20th section of the Act? If so, for what consideration, or on what ground?	It is proposed to vest the patronage alternately in the Dean and Chapter of Durham and the rector of Brancepeth, in consideration of the sums to be provided by each party for the endowment.
15. Is the proposed District, and are the boundaries thereof, considered to be the best and most conveniently arranged, with regard to the places of residence of the inhabitants, and the situation of existing Churches or Chapels; or might any other more convenient arrangement be made by adding to the District any and what parts of any and what adjacent parishes, &c.	Yes.

PARTICULARS respecting each PARISH, CHAPELRY, DISTRICT, or EXTRA-PAROCHIAL PLACE, out of which the proposed "NEW DISTRICT" is wholly, or in part, to be taken.

Name of each Parish, Chapelry, &c.	Quality; whether Parish, Chapelry, &c.	Consecrated Churches or Chapels contained in each Parish, Chapelry, &c.	Accommodation in each Church or Chapel.	Number of Free Sittings in each Church or Chapel.	Amount of Population of each Parish, Chapelry, &c.	Number of such Population included within "New District."
Whitworth - - -	Parish - -	one - -	120	5	1,100	1,000
Merrington - - -	Ditto - -	one - -	308	83	750	100
Ferry Hill - - -	Chapelry - -	one - -	360	256	2,500	1,000
Brancepeth - - -	Parish - -	one - -	450	30	4,000	700

Note.—A Map of the Parish or Parishes, &c., out of which the proposed new District is to be taken, must be returned herewith;—*showing the proposed new District, distinctly marked and coloured—and the Site of every existing Church and Chapel—and of any proposed Church—and of any Building for Divine Worship, licensed or proposed to be licensed.*

A correct description, in words, of the Boundaries of the proposed new District must also be sent.

Note.—*If there are any other statements or observations which may be considered as proper to be made to the Commissioners, connected with or bearing upon the foregoing Inquiries, it is requested that the same may be written on a separate sheet of paper.*

Name of Applicant, *A. Duncombe Shafto,*
Profession and Address, Rector of Brancepeth, Durham.
Date, 17 August 1854.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and new Parishes.

Spennimoor proposed District.

BOUNDARIES of the Proposed District of Spennimoor, in the County of Durham.

THE district of Spennimoor will be bounded on the north by the River Wear, on the south by the Byers Green branch of the Clarence Railway, up to the old foundry on the Durham and Merrington road; and from thence by the said road to a new inn, called West Australian; and from thence is bounded by an occupation road, running in a south-westerly direction from the Durham and Merrington road to the Merrington and Whitworth road, which forms the boundary to the south-west for about a quarter of a mile; and then, running in the same direction, by a hedge-row round some fields which contain the Merrington and Whitworth pits; and thence proceeding in a north-easterly direction to a brook which forms the boundary of the Whitworth and Tudhoe lordships, which will form the boundary to the west. On the east side, the district will be bounded by the Durham and Darlington turnpike road, from the Byers Green branch of the Clarence Railway to Low Butcher-race; and from thence by a brook, which will form the eastern boundary, to the River Wear.

EXTRACT from Minutes of General Meeting, held Thursday, 23 November 1854.

THE consideration of a correspondence with the Archdeacon and Chapter Clerk of Durham and the Rev. A. D. Shafto, rector of Brancepeth, Durham, submitting a proposal for the constitution, under the Act 6 & 7 Vict. c. 37, of a new district, to be called Spennimoor, to be taken out of the parishes of Brancepeth, Ferry Hill, Merrington, and Whitworth; and for its endowment partly out of the rectory of Brancepeth, and partly out of the rectorial tithes of Merrington (Durham Deanery estates), now vested in the Commissioners, was referred to the Estates Committee.

LETTER from Rev. *A. D. Shafto* to the Secretary.

Sir, Brancepeth Rectory, Durham, 4 December 1854.

NEARLY three months have elapsed since, by the desire of the Dean and Chapter of Durham, I sent the plans of the proposed new district of Spennimoor. I now write to ask whether the Ecclesiastical Commissioners are likely to sanction the proposed arrangement, as further delay will be most detrimental to the interests of the Church in that district. Already a Roman-catholic chapel has been opened; and I am informed by the managers of the Tudhoe Iron Company, that if there is no chance of a church being built, they must give assistance to other dissenting bodies, which they are unwilling to do, being well inclined to the Church, and having offered a handsome subscription towards building. We shall also most likely lose the land promised for a site, and a sum of money left to build a church, provided it is finished before the end of 1855. Upon the receipt of your answer, if not favourable, I shall consider myself released from my part of the engagement, and turn my attention to provide for my own portion of the proposed district, which is considerably the smallest in point of population; and it must be understood that in that case my brother does not give the land for the site, and I shall return the money subscribed for the church.

(signed) *A. Duncombe Shafto.*

LETTER from the Secretary to Rev. *A. Duncombe Shafto.*

Sir, Whitehall-place, 6 December 1854.

SPENNIMOOR PROPOSED DISTRICT.

I HAVE the honour, on behalf of the Ecclesiastical Commissioners for England, to acknowledge the receipt of your communication of yesterday's date, and to explain to you, in reply, that the details and particulars relating to this proposed district did not reach this office until after the last meeting of the Commissioners before the autumnal recess.

Upon their reassembling, however, in November, the case was immediately brought under their consideration, and was referred for investigation to a committee, whose report thereon will be laid before the Board at their next general meeting, to be held on the 14th instant; after which you may rely upon their decision being communicated to you.

(signed) *James J. Chalk.*

EXTRACT from Report of Estates Committee, held Thursday, 7 December 1854.

Adopted at General Meeting held 14 December 1854.

THE committee have, in compliance with the reference made to them by the Board on the 23d ultimo, had under consideration the correspondence with the Archdeacon and Chapter Clerk of Durham and the Rev. A. D. Shafto, rector of Brancepeth, Durham, submitting a proposal for the constitution, under the Church Endowment Act, of a new district, to be called Spennimoor, and to comprise portions of the parishes of Brancepeth, Ferry Hill, Merrington, and Whitworth; the rector of Brancepeth offering to surrender towards the endowment a tithe rentcharge of 50 *l.*, arising within the township of Tudhoe, being the portion of that parish proposed to be included in the new district; and the remainder of the endowment being sought out of the tithe rentcharges of Great and Little Chilton, in the parish of Merrington, of the net value of about 145 *l.* per annum, now vested in the Commissioners, in right of the Deanery of Durham.

The circumstances of the several parishes out of which the new district is proposed to be taken appear to the committee to be as follows:

Brancepeth, from which the perpetual curacy of Crook has already been separated, retains a population stated to be 4,000, with an income little short of 1,000 *l.* and a house.

Merrington has a population of 750, with an income of 211 *l.* and a house.

Whitworth has a population of 1,100, with an income of 243 *l.* and a house.

Ferry Hill has a population of 2,500, with an income derived from the funds of the Commissioners of 276 *l.* and a house.

The committee recommend that the attention of the applicants be directed to these circumstances, with a communication to the following effect:

That, having regard to the population and income of the several parishes out of which the new district is to be taken, and one of which (Ferry Hill) has been already endowed by the Commissioners, there does not appear, with reference to other claims which may be made upon them, to be that urgent necessity for the further appropriation of their funds to the endowment of the new district which would justify them, with the information now before them, in assenting to it.

That it must be observed, that with a view to providing an important amount of population for the new district, so large a proportion of population is to be withdrawn from the parishes of Merrington, Ferry Hill, and Whitworth, as will reduce the ministerial charge in those parishes respectively to 650, 1,276, and 100 souls, while that of Brancepeth will still remain 3,300.

That the population also withdrawn from Ferry Hill will have no additional advantage of proximity to the church, inasmuch as their distance from that to which it is proposed to attach them is, upon the whole, not less than the distance from the church of Ferry Hill itself.

That the Commissioners deem it scarcely necessary to add, that it cannot be desirable to reduce by an act of theirs the population of a sufficiently endowed benefice to 100 persons, as is proposed in the case of Whitworth.

That it would rather appear, that as the greater part of the population of Whitworth is in proximity to the township of Tudhoe, the annexation of that township, with the tithes arising in it, to the parish of Whitworth might be a desirable arrangement; but that as it does not fall within the province of the Commissioners to originate such a measure, they only offer it as the suggestion of a mode by which the praiseworthy desire of those who take an interest in the parish of Brancepeth to make a better provision for its spiritual wants might be most satisfactorily effected.

LETTER from the Secretary to Reverend *R. A. D. Shafto.*

Sir, Whitehall-place, 18 December 1854.

I HAVE submitted to the Ecclesiastical Commissioners for England your proposal for the formation of the new district of Spennimoor, to consist of portions to be dissevered from the parishes of Brancepeth, Merrington, Whitworth, and Ferry Hill respectively.

The circumstances of these several parishes appear to be as follows: Brancepeth (from which the perpetual curacy of Crook has already been separated) retains a population stated to be 4,000, with an income little short of 1,000 *l.* and a house. Merrington has a population of 750, with an income of 211 *l.* and a house. Whitworth has a population of 1,100, with an income of 243 *l.* and a house. Ferry Hill has a population of 2,500, with an income derived from the funds of the Commission of 276 *l.* and a house.

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Considering, therefore, the population and income of these several parishes (one of which has been already endowed by the Ecclesiastical Commissioners), there does not appear, with reference to other claims which may be made upon them, to be that urgent necessity for the further appropriation of the funds of the Commission to the endowment of this new district, which would justify them, with the information now before them, in assenting to it. It must be observed, that with a view to provide an important amount of population for the new district of Spennimoor, so large a proportion of population is to be withdrawn from the parishes of Merrington, Ferry Hill, and Whitworth, as will reduce the ministerial charge in those parishes to 650, 1,276, and 100 souls respectively, while that of Brancepeth will still remain 3,300. The population also withdrawn from Ferry Hill will have no additional advantage of proximity to the church to which it is proposed to attach them, inasmuch as their distance from it is, upon the whole, not less than that from the church of Ferry Hill itself. It is scarcely necessary to add, that it cannot be desirable to reduce by an act of the Ecclesiastical Commissioners the population of a sufficiently endowed benefice to 100 persons, as is proposed in the case of Whitworth. It would rather appear, that as the township of Tudhoe, which would form the chief part of the area of the proposed district, is immediately contiguous to the parish of Whitworth, the annexation of the township, with the tithes arising in it, to that parish might be a desirable arrangement; but as it does not fall within the province of the Commissioners to originate such a measure, they only offer it as the suggestion of a mode by which the praiseworthy desire of those who take an interest in the parish of Brancepeth to make a better provision for its spiritual wants might be most satisfactorily effected.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 27 February 1855.

SPENNIMOOR—PARISH OF WHITWORTH.

I AM directed by the Dean and Chapter of Durham to request you will be so good as again to submit to the Ecclesiastical Commissioners the case of Spennimoor.

At Spennimoor, in the parish of Whitworth, there has recently arisen a great increase in the population, by reason of the establishment of ironworks in the neighbourhood, and this population being at the extremity of the parish, cannot with convenience attend the parish church.

You are already aware of the circumstances of the parish of Whitworth, as this case has been before the Commissioners in reference to an application for the endowment of a district, from the several parishes of Brancepeth, Merrington, Ferry Hill, and Whitworth. The application was declined by the Commissioners, and therefore, so far as it relates to Tudhoe, may be considered as concluded.

In again pressing this case, I am desired to mention, that there is already a sum of 650 *l.*, together with a sufficient site available for the building of a church in the parish of Whitworth, which will be lost, unless funds can be procured for its endowment without delay.

The Dean and Chapter think that the best means of providing for this endowment will be found from the remaining tithes of the rectory of Merrington, which on the last avoidance of the Deanery of Durham passed to the Commissioners, together with the grant by the Dean and Chapter of a small farm, of the annual value of 60 *l.*, at present subject to a lease, at a nominal rent, of which there are now nearly 15 years to run, the Dean and Chapter undertaking in the meantime to pay to the incumbent of the church an annual equivalent in money. As the intended church at Spennimoor would comprehend a district including parts of Ferry Hill and Merrington, as well as Whitworth, the application of the tithes of Merrington to its endowment would seem to be fair.

If, however, the Commissioners object to this mode of endowment, the Dean and Chapter beg to suggest as the next best proposal, that a chapel of ease to Whitworth should be built at Spennimoor, and that the Commissioners should sanction a payment from the general funds of the Dean and Chapter of from 100 *l.* to 150 *l.* a year for the performance of the duty, until some better permanent arrangement can be made.

(signed) *Wm. Chas. Chaytor.*

LETTER from the Secretary to *William Charles Chaytor*, Esq.

Dear Sir, Whitehall-place, 12 March 1855.

SPENNIMOOR PROPOSED DISTRICT.

I HAVE submitted to the Ecclesiastical Commissioners for England your letter of the 27th ultimo, relating to this matter. In order to prevent all misunderstanding of the grounds on which the Commissioners have recently declined to comply specifically with a proposal relative to the parishes of Brancepeth, Merrington, Ferryhill, and Whitworth, which was made some time since by the vicar of Brancepeth, I am directed to enclose you a copy of the letter addressed to the vicar of Brancepeth in reply to his proposal. You will perceive that it contains a suggestion, that by the annexation of the township of Tudhoe, with the tithes arising within it, to the parish of Whitworth, the spiritual requirements of the inhabitants of that township, who are now at a great distance from their church at Brancepeth, would be much better provided for, while the total amount of the population which would thereupon fall under the charge of the vicar of Whitworth would not amount to 2,000. The objection that the existing church of Whitworth is neither so large nor so situate as to meet the convenience of the bulk of the population of the parish as thus newly arranged, would be removed by the proposed erection of a new and commodious building, to be converted, under the powers of the Church Building Acts (1 & 2 Vict. c. 107, s. 16), into the parish church, the old one being allowed to remain as a chapel of ease, to be served by a stipendiary curate.

The Commissioners, while putting forward the suggestion above referred to as a preferable means of meeting the necessities of the case, are, of course, not unmindful that such a measure may be distasteful both to the present incumbent of Brancepeth and to the patron of that living, as reducing the value of the benefice; but as it appears that the Dean and Chapter are willing to make a sacrifice for the purpose of promoting beneficial arrangements in this case, it occurs to the Commissioners that if the Chapter, with the consent of the Commissioners, make an additional endowment to Whitworth, an offer might be made on the part of the Chapter to transfer the patronage of Whitworth either to the incumbent or patron of Brancepeth, as a consideration for any depreciation in the value of the last-named living caused by the severance from it of the tithes of Tudhoe.

Were such an arrangement as is last suggested practicable, it would manifestly supersede the necessity of making an additional payment out of the tithes of Merrington.

(signed) *James J. Chalk.*

LETTER from the Rev. *Charles Carr* to the Secretary.

Sir, Whitworth, Durham, 17 March 1855.

IN a communication from the Ecclesiastical Commissioners addressed to Mr. Chaytor, in reply to a proposal made by him, under the direction of the Dean and Chapter of Durham, for the augmentation of the perpetual curacy of Whitworth, I observe with surprise and pain that its annual value is again assumed to be 240 *l.* or 243 *l.* I am therefore under the necessity of reiterating my former statements that the tithes were commuted at 200 *l.*, and that 18 acres of glebe are let for 20 *l.*, making a gross income of 220 *l.* The same communication contains another error, the population of Whitworth, with the proposed addition of Tudhoe, being computed at under 2,000 souls, whereas Whitworth (as stated in my last letter to the Commissioners) contains 1,500, and Tudhoe, some months since, during the time of Mr. Shafto's correspondence with the Commissioners, contained 700.

I beg to request the favour of your laying this statement before the Commissioners, with whom my anxiety that they should be in possession of correct data, will, I trust, need no apology.

(signed) *Charles Carr.*

EXTRACT from Report of Estates Committee, held Thursday, 8th March 1855.

Adopted at General Meeting held 22d March 1855.

THE committee have had before them a communication from the Dean and Chapter of Durham, referring to the decision of the Board upon the recent proposal by the rector of Brancepeth for the constitution and endowment of the proposed new district of Spennimoor, as set forth in the committee's Report, confirmed on the 14th of December last, and submitting to the consideration of the Commissioners a modification of that arrangement to the following effect: After premising the necessity of providing for the spiritual

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wants of the largely increased population that has recently arisen in that portion of Whitworth parish called Spennimoor, who, from their position at the extremity of the parish, cannot conveniently attend the existing church, and also urging attention to the fact that the benefaction of a site, and 650*l.* towards the building of a new church in the district, will be lost unless funds can be procured for its endowment without delay, the Chapter remark, that as the Commissioners have declined to sanction the proposition of the rector of Brancepeth, they conceive that the contemplated arrangement, so far as it related to the township of Tudhoe, must be considered as concluded.

They therefore propose that the new district should comprise portions of the parishes of Ferryhill, Merrington, and Whitworth, and that the endowment should be provided either out of the tithes of Merrington, now vested in the Commissioners in right of Durham Deanery, together with a grant by the Chapter of the reversion of a small farm of the annual value of 60*l.*, at present held at a nominal rent under a beneficial lease, of which nearly 15 years are unexpired, the Chapter undertaking to compensate the incumbent in the interim with an equivalent money payment, or if the Commissioners should object to this mode of endowment, the Chapter suggest that a chapel of ease to Whitworth should be built at Spennimoor, and that the Commissioners should sanction a payment by the Chapter out of their corporate revenues of 100*l.* or 150*l.* a year for the performance of the duties until some better arrangement can be made.

The committee beg to report, that in order to prevent all misunderstanding of the grounds upon which the Commissioners declined to comply specifically with the original proposal by the rector of Brancepeth, they have directed a copy of the letter conveying the decision of the Board to the rector to be transmitted to the Chapter, at the same time calling their attention to the suggestion therein made relative to the annexation of Tudhoe, with the tithes arising within it, to the parish of Whitworth, and pointing out that the objection that the existing church of Whitworth is neither so large nor so situate as to meet the convenience of the bulk of the population of the parish when thus newly arranged, could be met by the proposed erection of a new and commodious building to be converted, under the powers of the Church Building Acts (1 & 2 Vict. c. 107, s. 16), into the parish church, the old edifice being allowed to remain as a chapel of ease, to be served by a stipendiary curate.

The committee have further explained to the Chapter, that the Commissioners, while putting forward the suggestion above referred to as a preferable means of meeting the necessities of the case, are of course not unmindful that such a measure may be distasteful both to the present incumbent of Brancepeth and to the patron of that living, as reducing the value of the benefice; but as it appears that the Dean and Chapter are willing to make a sacrifice for the purpose of promoting beneficial arrangements in this case, it occurs to the Commissioners that if the Chapter, with their consent, should make an additional endowment to Whitworth, an offer might be made on the part of the Chapter to transfer the patronage of Whitworth either to the incumbent or patron of Brancepeth, as a consideration for any depreciation in the value of the last-named living caused by the severance from it of the tithes of Tudhoe.

That were such an arrangement as is last suggested practicable, it would manifestly supersede the necessity of making an additional payment out of the tithes of Merrington.

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 23 March 1855.

SPENNIMOOR.

I HAVE submitted your letter of the 12th instant, with the accompanying copy of a letter addressed by you to the incumbent of Brancepeth to the Dean and Chapter of Durham; and am directed, in reply, to send to you a copy of a letter from Archdeacon Thorp on the subject, and a copy of a statement made by the incumbent of Whitworth.

From these documents the Ecclesiastical Commissioners will perceive that the proposed annexation of Tudhoe to Whitworth is impossible, as the required consents could not be obtained.

The Dean and Chapter therefore hope that the Commissioners will consent to the proposal made in my letter of 27th ult., and that they will sanction a payment from the general funds of the Dean and Chapter of from 100*l.* to 150*l.* a year for the performance of the duty in a chapel of ease to Whitworth, to be built as proposed at Spennimoor, in that parish, until some better permanent arrangement can be made.

(signed) *Wm. Chas. Chaytor.*

LETTER from Venerable Archdeacon *Thorp* to *W. C. Chaytor*, Esq.

Dear Sir, College, Durham, 16 March 1855.

SPENNIMOOR.

I BEG to submit, with much deference, that the scheme you send me in the matter of Spennimoor is inadequate and impossible, for it affords no sufficient provision for the district in question, and must fail in absence of the consents requisite to its accomplishment.

Spennimoor and Tudhoe united would be beyond the strength of one clergyman, and it is quite unreasonable to throw the charge of both places upon the curate of Whitworth.

Whitworth itself, surrounded by a dense population, fed by important works and mines, cannot remain a mere agricultural parish, and to load it with a new and heavy district is at best a short-sighted policy.

What we want is a church at Spennimoor endowed, and a clergyman who may devote his time and attention to the population settled there.

The church, by money which, if not used, will soon pass to other purposes, is within our reach, and for the endowment we look to the Ecclesiastical Commissioners, who have the means of effecting it.

I would observe, that the cession of the patronage of Whitworth for the tithes of Tudhoe, were it proper and becoming, is an insufficient bribe to the patron of Brancepeth.

And the alienation of church patronage to laymen involves a sacrifice of principle, to which I would humby represent the Dean and Chapter cannot honourably become a party.

These observations, with the approbation of the Chapter, may be submitted to the Ecclesiastical Commissioners, and I would respectfully entreat them without delay to provide an endowment for Spennimoor.

(signed) *Charles Thorp*, Archdeacon.

STATEMENT of the Incumbent of Whitworth.

THE incumbent of Whitworth entirely declines to undertake the responsibility of any addition to his parish, which within a few years has increased from 500 to 1,500, with the prospect of unlimited increase.

In answer to Mr. Chaytor, it is stated that, with Tudhoe annexed to Whitworth, the present population would be under 2,000; this is not the case.

Tudhoe is by their own showing - -	700	Both daily increasing.
Spennimoor - - - - -	1,500	
	2,200	

Whitworth is stated at 243 *l.* per annum; 220 *l.* is its gross value.

EXTRACT from Report of Estates Committee, held Thursday, 7th June 1855.

Adopted at General Meeting held 14th June 1855.

THE committee have had before them a communication from the Dean and Chapter of Durham, in reply to the proposition submitted to them by the committee, as set forth in their Report, confirmed on the 22d February last, with reference to the proposed new church and district at Spennimoor, representing that there are insuperable obstacles to the annexation of the township of Tudhoe to the parish of Whitworth, as suggested by the committee, and urging upon the Commissioners the desirableness of the course previously recommended by the Chapter, namely, that the Commissioners should sanction the payment by the Chapter, out of their general corporate funds, of from 100 *l.* to 150 *l.* a year, for the performance of the duty in a chapel of ease to Whitworth, to be built at Spennimoor, in that parish, until some better permanent arrangement can be made.

After further careful reconsideration of all the facts of the case, the committee do not consider that the Commissioners would be justified under existing circumstances in assenting to this arrangement, and they recommend that an answer be returned to the following effect, viz.:

That it is with great reluctance, and after often repeated consideration, that the Commissioners have arrived at the conclusion that they would not be justified in consenting to the foregoing proposal by the Chapter.

That the Commissioners recognise and appreciate the liberality of the Chapter evinced in the proposal, for they are aware that out of this annual sum proposed to be paid from the general funds, one moiety is a personal sacrifice of income on the part of the Dean and of the members of Chapter, except the Canon, who is restricted to a fixed income; but that,

on the other hand, of that annual sum, the remainder *in præsenti*, and the whole at a future period, when the future dean and canons are placed on a fixed income, would be diverted from the funds of the Ecclesiastical Commissioners, to which it would be otherwise payable.

That the Commissioners are accordingly compelled to regard the proposal as an application to them to this extent for aid out of the common fund.

That, regarding the application of the Chapter from this point of view, and considering the present state of the common fund, and the large immediate demands on it in respect of endowments already granted, the Commissioners feel compelled at present to abstain from all grants, unless in exceptional cases, which are either of an extraordinary character, or in which the parish for which assistance is required can substantiate a local claim in respect of tithes arising out of it, or lands granted in lieu of tithes vested in the Commissioners.

That the Commissioners do not perceive in the proposal of the Dean and Chapter any circumstances which bring it within the principle of these exceptions, and are therefore under the necessity of deferring the further consideration of it till a future period, when the increase of their resources, which is gradually taking place, may enable them to adopt a different and less strict course of proceeding.

Letter from Venerable Archdeacon *Thorp* to the Secretary.

Dear Sir, College, Durham, 7 June 1855.

Spennimoor.

Allow me to call your attention to the Spennimoor case, parish of Whitworth.

Time presses, and unless we can move immediately we shall lose a large portion of our building fund, and with it our prospects of a church.

Forgive this trouble, and believe me respectfully,

(signed) *Cha. Thorp*,
Archdeacon of Durham.

Letter from the Secretary to the Venerable Archdeacon *Thorp*.

Dear Sir, Whitehall-place, 8 June 1855.

Spennimoor Proposed District.

I have your letter of yesterday's date. The committee to whom the consideration of this matter has been referred have only just made their Report, which will be presented to the Board on the 14th instant, on which day I hope to be able to communicate the Commissioners' decision on the case to Mr. Chaytor.

(signed) *James J. Chalk.*

Letter from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 15 June 1855.

Spennimoor.

The Ecclesiastical Commissioners for England have had before them your further communication of the 23d March last, and I am directed to acquaint you, on behalf of the Dean and Chapter of Durham, in reply, that it is with great reluctance, and after often repeated consideration, that the Commissioners have arrived at the conclusion that they would not be justified in consenting to the proposal contained therein, and in your previous letter of the 27th February last, namely, that the Commissioners should sanction a payment from the general funds of the dean and chapter of 100*l.* to 150*l.* a year for the performance of the duty in a chapel of ease to Whitworth, to be built as proposed at Spennimoor, in that parish, until some better permanent arrangement can be made.

The Commissioners recognise and appreciate the liberality of the Dean and Chapter evinced in the proposal, for they are aware that out of this annual sum proposed to be paid from the general funds, one moiety is a personal sacrifice of income on the part of the Dean and of the members of Chapter, except the Canon, who is restricted to a fixed income; but, on the other hand, of that annual sum the remainder *in præsenti*, and the whole at a future period, when the future dean and canons are placed on a fixed income, would be diverted from the funds of the Ecclesiastical Commissioners, to which it would be otherwise payable.

The

The Commissioners are accordingly compelled to regard the proposal as an application to them to this extent for aid out of the common fund. Regarding the application of the Dean and Chapter from this point of view, and considering the present state of the common fund, and the large immediate demands on it in respect of endowments already granted, the Commissioners feel compelled at present to abstain from all grants, unless in exceptional cases, which are either of an extraordinary character, or in which the parish for which assistance is required can substantiate a local claim in respect of tithes arising out of it, or lands granted in lieu of tithes vested in the Commissioners.

The Commissioners do not perceive in the proposal of the Dean and Chapter any circumstances which bring it within the principle of these exceptions, and are therefore under the necessity of deferring the further consideration of it till a future period, when the increase of their resources, which is gradually taking place, may enable them to adopt a different and less strict course of proceeding.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 18 June 1855.

SPENNIMOOR.

I HAVE submitted your letter of 15th instant to the Dean and Chapter of Durham. They desire me to express their sorrow that the Ecclesiastical Commissioners, regarding the proposal as an application to them for aid out of the common fund, decline to give their consent to the proposed grant.

They beg respectfully to remind the Commissioners, that in the Act of 3 & 4 Vict. c. 113, which alone gives to the Commissioners their interest in the funds of the Dean and Chapter, there is a clause which expressly authorises the augmentation of livings by the several Deans and Chapters, requiring the consent only of the Commissioners to the validity of such augmentations; if, therefore, the Commissioners refuse their consent solely on the consideration of the present state of the common fund, and the large immediate demands on it, without a consideration of local wants, and the obligation of the several Deans and Chapters to provide for those wants, it is manifest that they render nugatory the clause in question.

But the Dean and Chapter desire further to remind the Commissioners that the case of Spennimoor may fairly be considered as one of an extraordinary and exceptional character. By the establishment of ironworks in the neighbourhood a large and sudden increase has been made to the population of the district, which has at once added to the value of the property of the Church and to the duties of the incumbent of the parish. A sum of 450 *l.* and a site is now available for the building of a church, which sum and site will be lost for ever if the endowment is deferred as the Commissioners propose, the sum in question being the legacy of a lady, placed at the disposal of the Bishop of Cape Town, by whom the application of the money was limited to the term of two years, which is now on the point of expiring.

The Dean and Chapter therefore hope, that on a reconsideration of the case, and of its special circumstances, the Commissioners will alter their decision and consent to the proposed grant.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Report of Estates Committee, held Thursday, 5th July 1855.

Adopted at General Meeting held 12th July 1855.

SPENNIMOOR PROPOSED DISTRICT AND CHURCH ENDOWMENT.

THE committee beg to report that they have had before them a further communication from the Dean and Chapter of Durham with reference to the proposed church and district of Spennimoor, in which, after stating their disappointment at the Commissioners' decision upon the recent proposal of the Chapter, as set forth in the committee's Report, confirmed on the 14th ultimo, and expressing their opinion that if the Commissioners should continue to refuse their assent they will render nugatory the clause in the Act 3 & 4 Vict. c. 113, which expressly authorises the augmentation of livings by Deans and Chapters, subject only to the consent of the Commissioners, the Chapter remind the Commissioners that the case of Spennimoor may fairly be considered as one of an extraordinary and exceptional character; that by the establishment of ironworks in the neighbourhood a large and sudden increase has been made to the population of the district, which has at once added to the value of the property of the Church and to the duties of the incumbent of the parish.

In conclusion, the Chapter again draw attention to the fact, that the sum of 450 *l.* now available for the building of the church, together with a site, will be lost for ever if the endowment is deferred, as the Commissioners propose, and express their hope that upon a reconsideration of the case, and of its special circumstances, the Board will feel at liberty to sanction the proposed grant out of the Chapter revenues.

The committee do not discover in the foregoing communication any grounds for re-opening their former decision upon the case, with the exception of the statement that the increase of population has added to the value of the property of the Church in the district.

It appears to the committee that if works are constructed for working minerals belonging to the Church, and if a large accumulation of population thereby takes place, a claim arises stronger than that of an ordinary "local claim" for aid from the funds to which the profits of the mine accrue. The committee are unable from the correspondence to decide whether there any facts in this instance to substantiate such a claim; but they deem it proper, before finally dismissing the case, to exhaust the information which can be obtained on this head, and they recommend that an answer be returned to the present communication to the following effect:—

"That the Commissioners have had under consideration the further letter of the Chapter, and would willingly be persuaded that the case of Spennimoor presents circumstances of such an extraordinary or exceptional character as would withdraw it from the operation of the general principles enumerated in the letter communicating the Commissioners' previous decision upon the matter.

"That the Commissioners do not, however, think that either the increase of the population, or the offer of a site and the sum of 450*l.* towards the building of the proposed church, are circumstances of that nature.

"That the increase of population in many districts in England has led to a much greater destitution of the means of religious worship than exists at Spennimoor and its vicinity, and that the Commissioners have, nevertheless, been obliged, on the ground of the inadequacy of the common fund, to abstain from granting assistance, even where such assistance has been invited by a still more liberal contribution from other sources than present themselves in this case.

"That the Commissioners would, however, be willing to consider any further observations which the Chapter may wish to offer in support of the statement, that the large and sudden increase which has been made to the population of the district has at once added to the value of the property of the Church as well as to the duties of the incumbent of the parish."

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 14 July 1855.

SPENNIMOOR.

I HAVE laid before the Ecclesiastical Commissioners for England your further communication of the 18th ultimo in reference to this proposed church and district, and am directed to state to you, on behalf of the Dean and Chapter of Durham in reply, that the Commissioners would willingly be persuaded that the case of Spennimoor presents circumstances of such an extraordinary or exceptional character as would withdraw it from the operation of the general principles set forth in my letter of the 15th ultimo.

That the Commissioners do not, however, think that either the increase of the population, or the offer of a site and the sum of 450*l.* towards the building of the proposed church, are circumstances of that nature.

That the increase of population in many districts in England has led to a much greater destitution of the means of religious worship than exists at Spennimoor and its vicinity, and the Commissioners have, nevertheless, been obliged, on the ground of the inadequacy of their common fund, to abstain from granting assistance, even where such assistance has been invited by a still more liberal contribution from other sources than presents itself in this case.

I am, however, to add, that the Commissioners will be willing to consider any further observations which the Chapter may wish to offer in support of the statement contained in your letter, that the large and sudden increase which has been made to the population of the district, has at once added to the value of the property of the Church as well as to the duties of the incumbent of the parish.

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the Constitution and Endowment of the proposed District of St. Cuthbert's, Durham, to be taken out of the Parish of St. Margaret's, Durham.

Letter from the Rev. *John Cundill* to the Secretary.

Sir, Durham, 27 November 1844.

Herewith I beg to forward to you the printed paper of Queries sent by order of the Ecclesiastical Commissioners in the matter of the proposed new district in the chapelry of St. Margaret's, Durham, together with a plan of the parish.

In the proposed district the roads, &c. are laid down, but in the remainder of the chapelry it was thought unnecessary to mark anything but the existing church seated in the midst of a town population.

I may add that this application is made with the full approval of the Archdeacon of Durham, who has, as you will observe, countersigned the paper of Queries, and of the Dean and Chapter of Durham, the patrons of the living.

(signed) *John Cundill.*

Ecclesiastical Commissioners for England.

Diocese.

Office,—Whitehall-place, London.

Form of Inquiry, on Application being made to the Ecclesiastical Commissioners for England for constituting * *a new District* for Spiritual Purposes under the Act 6 & 7 Vict. c. 37.

N.B.—No District can be constituted, *under this Act*, containing within its limits any *consecrated Church or Chapel in use for the purposes of Divine Worship* (see Section 9):—and the Commissioners have determined not to entertain, at present, any Application for a District *with a Population of less than* 2,000; unless the whole amount of the Endowment required by the Act can be provided independently of any grant from their funds.

No Church can be consecrated, as the Church of a District constituted under this Act, *so as to make the District a "New Parish,"* until such Church shall have been *approved by the Commissioners* (see Section 15). It is therefore obviously desirable, that before *final* arrangements are settled for providing any such Church some communication be made to the Commissioners, respecting its nature, site, and intended accommodation.

1. What Name is recommended for the proposed new District?	St. Cuthbert's.
2. Does the proposed District comprise any part or parts of more Parishes, Chapelries or Districts than one? If so, state the Name of each Parish, Chapelry, or District here; and repeat them, with all the required particulars, in the following table.	No.
3. What is the Amount of the Population within the proposed District?	Between 2,200 and 2,300.
4. Of what Classes of Persons, with reference to their Employments and Means, does this Population chiefly consist?	Pitmen, about - - - 1,100 Poor town population - 1,000, about. Dispersed in farm-houses, and a small hamlet - 200, about.
5. Is it likely to increase, and at what probable rate?	Yes; likely to increase to near 4,000, at a rapid rate, from the enlargement of two pit villages.

6. What

* If more than one new District be proposed, a separate Return must be made in respect of each.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Durham, St. Cuthbert's proposed District.

6. What is the superficial Extent of the proposed District?	3,316 Acres.
7. Is there within the proposed District any *unconsecrated* Building, licensed by the Bishop for the performance of Divine Worship? Describe its nature;—state the number of sittings;—*and mark its situation on the map or plan to be returned herewith.*	Divine Service is by the permission of the Bishop of Durham performed in a school-house in the Pit Village of Framwellgate Moor on Sunday afternoons in winter, and Sunday evenings in summer. By inconveniently crowding the Sunday-school, children averaging 100 in number, room is obtained for about 60 adults.
8. Is there within the proposed District any *unlicensed* Building fit to be licensed for Divine Worship? Describe its condition;—state the number it is capable of accommodating, *and mark its situation on the map or plan to be returned herewith.*	See Question 7.
9. Is any and what provision made, or contemplated, towards the permanent Endowment of the Minister of the proposed new District? State the amount of any sums paid or promised towards *this* object?	None made or contemplated. Paid - - £. Promised - £. Total - - £.
10. Is any and what provision made, or contemplated, towards obtaining a House of Residence, or a site for such House? State the amount of any sums paid or promised towards *this* object?	None made. Paid - - £. Promised - £. Total - - £.
11. Are any and what measures already taken, or in contemplation, for or towards providing a Church within the proposed new District? State the amount of any sums paid or promised towards *this* object? *Mark the intended site of the proposed Church on the map or plan to be returned herewith.*	None as yet, but should the district be constituted and endowed by the Ecclesiastical Commissioners, a church would doubtless speedily follow. Paid - - £. Promised - £. Total - - £.
12. What number of Sittings is such Church to contain?	See Question 11.
13. How many of such Sittings are to be unappropriated?	See Question 11.
14. Is any and what arrangement proposed respecting the assignment of the Patronage of the new District, under the 20th section of the Act? If so, for what consideration, or on what ground?	None.
15. Is the proposed District, and are the boundaries thereof, considered to be the best and most conveniently arranged, with regard to the places of residence of the inhabitants, and the situation of existing Churches or Chapels; or might any other more convenient arrangement be made by adding to the District any and what parts of any and what adjacent parishes, &c.	It is considered to be the best that can be made under the circumstances.

PARTICULARS respecting each PARISH, CHAPELRY, DISTRICT, or EXTRA-PAROCHIAL PLACE, out of which the proposed "NEW DISTRICT" is wholly, or in part, to be taken.

Name of each Parish, Chapelry, &c.	Quality; whether Parish, Chapelry, &c.	Consecrated Churches or Chapels contained in each Parish, Chapelry, &c.	Accommodation in each Church or Chapel.	Number of Free Sittings in each Church or Chapel.	Amount of Population of each Parish, Chapelry, &c.	Number of such Population included within "New District."
ST. MARGARET'S, DURHAM:						
(*a*) The boundaries of the proposed new district are the same as those of the existing chapelry, excepting of course where it is separated from the *remainder* of the existing chapelry. This boundary, from 1 to 2 (*see* Plan), follows the course of a road called the Finden Road; from 2 to 3, the course of the Great North Road; from 3 to 4, a narrow cart-way, called the Castle Chase; and from 4 to 5, after crossing the street of Framwellgate, it proceeds down a passage between two houses to the river Wear.	- - Chapelry in St. Oswald's Parish. The district became an independent chapelry in the year 1451, but the Church (which is Norman) existed as a chapel of ease long before.	One - -	586	Benches in middle aisle 8 Free gallery 66* Total - 74	4,400	2,200 and 2,300

* Of this 66, one-third is required for the singers; about one-third more almost useless by position of organ; 22 only, therefore, really available for the poor.

Note.—A Map of the Parish or Parishes, &c. out of which the proposed new District is to be taken, must be returned herewith;—*showing the proposed new District, distinctly marked and coloured, and the site of every existing Church and Chapel, and of any proposed Church, and of any Building for Divine Worship, licensed or proposed to be licensed.*

(*a*) *A correct description, in words, of the Boundaries of the proposed new District must also be sent.*

Note.—*If there are any other statements or observations which may be considered as proper to be made to the Commissioners, connected with or bearing upon the foregoing inquiries, it is requested that the same may be written on a separate sheet of paper.*

Name of Applicant - - - - *John Cundill.*

Charles Thorp,
Archdeacon of Durham.

Profession and Address - - - Incumbent of St. Margaret's, Durham.

Date - - - - - - - - - - - - 27 November 1844.

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 28 February 1853.

ST. MARGARET'S CHAPELRY, DURHAM.

IN the year 1844, the incumbent of this chapelry, with the concurrence of the Dean and Chapter of Durham, the patrons of the living, applied to the Ecclesiastical Commissioners for the formation and endowment of a district, under 6 & 7 Vict. c. 37. This proposal was, I believe, considered with favour by the Commissioners at that time, and some proceedings took place with the view of carrying it into effect. Information required by the Commissioners, respecting the population of the whole chapelry, as well as that of the proposed district, was given by the incumbent to the Commissioners; but it does not appear why the proposal was then abandoned.

As the circumstances of the chapelry are still such as to render the establishment of such a district very much to be desired, I am now directed by the Dean and Chapter to request you will again submit the proposal to the Commissioners. Any further information that may be required will be given by the Dean and Chapter, and by the incumbent.

(signed) *Wm. Chas. Chaytor.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Durham, St. Cuthbert's proposed District.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 1 March 1853.

DURHAM, ST. MARGARET'S.—ST. CUTHBERT'S PROPOSED DISTRICT.

THE consideration of the application for this proposed District was postponed, with many others of the same kind, from want of funds in the Commissioners' hands, to enable them to provide the endowment, which, according to the Act, must not be less than 100 *l.* per annum, until a church is provided, and then not less than 150 *l.* per annum; and I am sorry to add, that the case must, for the same reason, be still further postponed, unless the required endowment can be procured from some other quarter.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 8 March 1853.

DURHAM, ST. MARGARET'S.—ST. CUTHBERT'S PROPOSED DISTRICT.

I AM directed by the Dean and Chapter of Durham to acknowledge the receipt of your letter of the 1st instant, on this subject.

They had hoped that, after the lapse of so many years, and after the accrual to them of so large a portion of funds from the Capitular Revenues, the Ecclesiastical Commissioners would now have been able to provide the required endowment for a district in a parish situated within the Cathedral City. However, they now direct me to state, that they propose to provide an endowment for a church, to be built in this district, under the powers of 1 & 2 Will. 4, c. 45, and to request you will be so good as to submit this proposal to the Commissioners, at the earliest opportunity, for their consent. If the Commissioners are disposed to consent to this arrangement, an endowment might be obtained partly from tithe rentcharges of the parish, and partly from land.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Report of the Estates Committee, held Thursday, 21 April 1853.

THE Committee have had before them an application on behalf of the Dean and Chapter of Durham, for the Commissioners' consent to the endowment by the Chapter, under 1 & 2 Will. 4, c. 45, out of their capitular revenues, of a new church proposed to be erected for the district of St. Cuthbert, Durham; and the Committee recommend that it be explained to the Chapter that it is contrary to the practice of the Commissioners to pledge themselves in regard to the future, and that they cannot, therefore, at present, entertain an application respecting a church which is not yet built.

EXTRACT from Minutes of General Meeting, held Thursday, 28 April 1853.

THE Report of the Estates Committee, dated the 21st instant, was read, and the several recommendations therein contained were adopted as resolutions of this meeting, excepting that portion which relates to the proposed endowment of the district of St. Cuthbert, Durham, by the Dean and Chapter of Durham; in which case, it was referred back to the committee, to investigate the local claim of the district.

EXTRACT from Report of Estates Committee, held Thursday, 12 May 1853.

Adopted at General Meeting, held 26 May 1853.

THE Committee have, in conformity with the direction of the Board of the 28th ultimo, reconsidered the proposal by the Dean and Chapter of Durham to endow, under 1 & 2 Will. 4, c. 45, out of their capitular revenues, a new church to be erected for the proposed district of St. Cuthbert, Durham.

The Committee find that the Commissioners are at present receiving from the parish of St. Oswald, Durham, out of which the new district is to be taken, tithe rentcharges to the amount of about 270 *l.* per annum, in respect of which 130 *l.* has been already appropriated to the vicarage; and the Committee consider, that, under these circumstances, the best course to be pursued would be to intimate to the Chapter that the Board will be prepared to sanction the endowment by the Chapter, under the Act 6 & 7 Vict. c. 37, of such a district as that proposed to be constituted under the said Act; and they recommend the Board to proceed accordingly.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 28 May 1853.

DURHAM, ST. MARGARET.—ST. CUTHBERT'S PROPOSED DISTRICT.

THE Ecclesiastical Commissioners for England have had under consideration the proposal, on the part of the Dean and Chapter of Durham, conveyed by your letter of the 8th March, for the endowment of a church to be built in this district, under the powers of the Act 1 & 2 Will. 4, c. 45.

The Board are of opinion that a preferable arrangement might be made under the provisions of the Church Endowment Act, 6 & 7 Vict. c. 37; and I am to state that they will be prepared to sanction an endowment by the Chapter under that Act, of such a district as was originally proposed.

In anticipation of such an arrangement being satisfactory to the Chapter, I enclose the preliminary Forms, to be filled up and returned to me.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq. to the Secretary.

Dear Sir, Durham, 27 June 1853.

ST. CUTHBERT, DURHAM.—PROPOSED DISTRICT.

I SEND you herewith an application for the formation of this district, with answers to the questions, and a map and verbal description of the proposed district.

The Dean and Chapter have no property in the district with which it would be convenient to endow it, excepting the tithe property mentioned in the answer to Question 9; and with respect to this property, I should explain that the annual sum of 11 *l.* 8 *s.* 8 *d.* only will take effect in possession immediately, the remaining property being subject to a lease, of which there are rather more than 14 years to run; but the Dean and Chapter propose, with the consent of the Ecclesiastical Commissioners, to pay annually an equivalent sum of money to the minister till the expiration of the current lease. As this endowment would not be of itself sufficient, they respectfully request the Commissioners to complete it by a grant of the tithe rentcharge of Old Durham, now in their possession, of the clear annual value of about 70 *l.*; this being a portion of the rectory of St. Oswald, of which the district now proposed is a part.

(signed) *Wm. Chas. Chaytor.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Diocese.

Office,—Whitehall-place, London.

FORM of INQUIRY, on Application being made to the ECCLESIASTICAL COMMISSIONERS FOR ENGLAND for constituting **a new District* for Spiritual Purposes under the Act 6 & 7 Vict. c. 37.

N.B.—No District can be constituted, *under this Act*, containing within its limits any *consecrated Church or Chapel in use for the purposes of Divine Worship* (see Section 9):—and the Commissioners have determined not to entertain, at present, any Application for a District *with a Population of less than* 2,000; unless the whole amount of the Endowment required by the Act can be provided independently of any grant from their funds.

No Church can be consecrated, as the Church of a District constituted under this Act, *so as to make the District a "New Parish,"* until such Church shall have been *approved by the Commissioners* (see Section 15). It is therefore obviously desirable, that before *final* arrangements are settled for providing any such Church some communication be made to the Commissioners, respecting its nature, site, and intended accommodation.

1. What Name is recommended for the proposed new District?	St. Cuthbert.
2. Does the proposed District comprise any part or parts of more Parishes, Chapelries, or Districts than one?	No.
If so, state the Name of each Parish, Chapelry, or District here; and repeat them, with all the required particulars, in the following table.	

3. What

* If more than one new District be proposed, a separate Return must be made in respect of each.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Durham, St. Cuthbert's proposed District.

3. What is the Amount of the Population within the proposed District?	About 2,300.
4. Of what Classes of Persons, with reference to their Employments and Means, does this Population chiefly consist?	Town Population, principally very poor, 1,300. Pitmen, and tradesmen dependent on them, 750. Farm-houses and cottages in the country, 250.
5. Is it likely to increase, and at what probable rate?	Yes; and probably rather quickly.
6. What is the superficial Extent of the proposed District?	3,340 Acres.
7. Is there within the proposed District any *unconsecrated* Building, licensed by the Bishop for the performance of Divine Worship?	Yes.
Describe its nature; — state the number of sittings; —*and mark its situation on the map or plan to be returned herewith.*	A school-room at Framwellgate Moor, distant about two miles from the town. It is capable of seating about 100, when crowded.
8. Is there within the proposed District any *unlicensed* Building fit to be licensed for Divine Worship?	None.
Describe its condition; —state the number it is capable of accommodating; —*and mark its situation on the map or plan to be returned herewith.*	
9. Is any and what provision made, or contemplated, towards the permanent Endowment of the Minister of the proposed new District?	£. s. d. The Dean and Chapter of Durham propose to endow the District with payments made for tithes arising within the proposed District, of the annual value of - - - - 11 8 8 And with the tithe-rentcharge of Harbour-house in the District, which may be estimated at the clear annual value of - - 65 – – £. 76 8 8
State the amount of any sums paid or promised towards *this* object.	Paid - - £. Promised - - £. Total - - £.
10. Is any and what provision made, or contemplated, towards obtaining a House of Residence, or a site for such House?	None at present.
State the amount of any sums paid or promised towards *this* object.	Paid - - £. Promised - - £. Total - - £.
11. Are any and what measures already taken, or in contemplation, for or towards providing a Church within the proposed new District?	A Church is contemplated, but no active measures yet taken.
State the amount of any sums paid or promised towards *this* object	Paid - - £. Promised - - £. Total - - £.
Mark the intended site of the proposed Church on the map or plan to be returned herewith.	
12. What Number of Sittings is such Church to contain?	*See* 11.
13. How many of such Sittings are to be unappropriated?	*See* 11.

14. Is

14. Is any and what arrangement proposed respecting the assignment of the Patronage of the new District, under the 20th section of the Act? If so, for what consideration, or on what ground?	It is proposed that the Patronage should be vested in the Dean and Chapter of Durham, as contributors to the endowment.
15. Is the proposed District, and are the boundaries thereof, considered to be the best and most conveniently arranged, with regard to the places of residence of the inhabitants, and the situation of existing Churches or Chapels; or might any other more convenient arrangement be made, by adding to the District any and what parts of any and what adjacent Parishes, &c.?	Yes. No.

PARTICULARS respecting each PARISH, CHAPELRY, DISTRICT, or EXTRA-PAROCHIAL PLACE, out of which the proposed "NEW DISTRICT" is wholly, or in part, to be taken.

Name of the Chapelry, &c.	Quality; whether Parish Chapelry, &c.	Consecrated Churches or Chapels contained in each Parish, Chapelry, &c.	Accommodation in each Church or Chapel.	Number of Free Sittings in each Church or Chapel.	Amount of Population of each Parish, Chapelry, &c.	Number of such Population included within "New District."
St. Margaret - -	- - Chapelry in St. Oswald's Parish. It became an independent Chapelry in 1451, but the Church (which is Norman) existed as a Chapel of Ease long before.	one - -	586	- - Benches in Middle Aisle - 8 Free Gallery - - 66* 74	5,200	2,300

* Of these 66, one-third is required for Singers, and about one-third more rendered almost useless by the position of the organ; 22 therefore only really available for the poor.

Note.—A Map of the Parish or Parishes, &c., out of which the proposed new District is to be taken, must be returned herewith;—*showing the proposed new District, distinctly marked and coloured—and the Site of every existing Church and Chapel—and of any proposed Church—and of any Building for Divine Worship, licensed or proposed to be licensed.*

A correct description, in words, of the Boundaries of the proposed new District must also be sent.

Note.—*If there are any other statements or observations which may be considered as proper to be made to the Commissioners, connected with or bearing upon the foregoing Inquiries, it is requested that the same may be written on a separate sheet of paper.*

A Map is sent herewith, together with a verbal description of the Boundaries of the proposed District.

Name of Applicant, *George Waddington.*
Dean of Durham, for the Dean and Chapter of Durham.
Date,

EXTRACT from the Report of Estates Committee, held Thursday, 30 June 1853.

Adopted at General Meeting, held 14 July 1853.

THE committee have had before them a further communication on behalf of the Dean and Chapter of Durham, forwarding the details and particulars of the intended new district of Saint Cuthbert, Durham, to be constituted under the Church Endowment Act, as recommended by the committee's report herein of the 12th May last.

It appears that the only capitular property within the district, with which it would be convenient to endow it, consists of certain payments in lieu of tithes of the estimated annual value of 11*l.* 8*s.* 8*d.*, and a tithe-rentcharge of 65*l.* per annum net.

The latter, however, is subject to a lease, of which more than 14 years are unexpired, and the Chapter propose during that period to make an equivalent money-payment to the incumbent of the district.

They also request that the Commissioners will, in consideration of the local claim of the district, complete the requisite endowment by a grant of the rentcharge of the township of Old Durham, vested in them, of the annual value of 70*l.*, which arises within the parish of Saint Oswald, out of which the district is to be taken; and the committee recommend that it be intimated to the Chapter that the Commissioners will be prepared, under the circumstances, thus to appropriate the rentcharge in question as a permanent endowment of 50*l.* per annum, provided that the Chapter also secure for the intended district a net annual income of 100*l.* in possession.

Letter from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 20 July 1853.

St. Cuthbert's, Durham.—Proposed District.

I have submitted to the Ecclesiastical Commissioners for England your application on behalf of the Dean and Chapter of Durham for the formation and endowment of this proposed district.

With regard to the endowment, the Commissioners will be prepared to appropriate permanently to that object the rentcharge of Old Durham, now vested in them, which must not, however, be estimated at more than 50*l.* per annum net, provided the Chapter will secure, in a manner to be approved by the Commissioners, the further net annual sum of 100*l.*, to make up the minimum endowment required by the Act.

Upon this understanding, and subject to further inquiries as to the details, the Commissioners would not object to pass a scheme for constituting the proposed district, and assigning the patronage to the Dean and Chapter.

(signed) *James J. Chalk.*

Letter from *W. C. Chaytor*, Esq. to the Secretary.

Dear Sir, Durham, 24 October 1853.

St. Cuthbert, Durham.—Chapelry of St. Margaret.

Proposed District.

The Dean and Chapter of Durham direct me to state that, in compliance with your letter of 20th July last, they now propose to supply the deficiency in the amount of the proposed endowment of this district by the grant of some land at Shincliffe, near Durham, which is within the ancient parish of St. Oswald, of which the chapelry of St. Margaret is a part.

The land in question contains nearly 40 acres, and is of the estimated annual value of 50*l.*; and this, with the tithes of Arbour House, mentioned in the paper of inquiry sent in June last, and estimated to be of the annual value of 76*l.*, and the endowment of 50*l.* per annum, which the Commissioners have agreed to make, will raise the income to 176*l.* or thereabouts.

However, as the land at Shincliffe is subject to a lease for a term of 20 years at a nominal rent, the Dean and Chapter propose to pay annually to the minister or incumbent a sum of 50*l.* until the expiration of the lease; and they hope that this mode of providing the requisite endowment will meet with the approval of the Commissioners.

While writing on the subject, I am directed to inquire whether the Commissioners have not already disposed of the tithe-rentcharge of Old Durham; because, if this be so, it may be necessary for the Commissioners to secure the intended grant of 50*l.* per annum from some other source.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Minutes of General Meeting, held Thursday, 24th November 1853.

Confirmed, 8th December 1853.

Read,—A proposal by the Dean and Chapter of Durham to make up the deficiency in the endowment of the intended new district of St. Cuthbert, Durham, by annexing thereto in reversion about 40 acres of land, part of the capitular estates, situate at Shincliffe, and within the mother parish, out of which the new district is to be taken.

The proposal states, that the land in question is subject to a lease for a term of 20 years, at a nominal rent, and that during that period the Chapter propose making an annual money payment to the incumbent, equivalent to the value of the land, which is estimated at 50 *l.*

Resolved, That it be intimated to the Chapter, that in this as well as in other cases of proposed augmentation by them which have been submitted to the Commissioners, the Board are not disposed to approve of a reversionary grant of land as an endowment; and, that, independently of their objection to this mode of augmentation, they do not see how in this case the temporary annual payment can be conveniently secured to the living by the Chapter.

Resolved, further, That as the tithe rentcharge of Old Durham, which under the resolution of the 14th July last on this case it was in contemplation to appropriate to the proposed district of St. Cuthbert, appears to have been already disposed of under an arrangement with the Vicar of Shincliffe, the Commissioners will make their contemplated grant of 50 *l.* to the district by a payment from the common fund.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 3 December 1853.

ST. CUTHBERT'S DURHAM.—PROPOSED DISTRICT.

I HAVE laid before the Ecclesiastical Commissioners for England the proposal of the Dean and Chapter of Durham, with reference to the endowment of this district, as communicated by your letter of the 24th ultimo, and am directed to acquaint you that in this as well as in other cases of proposed augmentation by the Chapter which have been submitted to the Commissioners, they are not disposed to approve of a reversionary grant of land as an endowment, and that independently of their objection to this principle of augmentation, they do not see how the intermediate annual payment can be conveniently secured to the living by the Chapter.

With regard to the tithe rentcharge of Old Durham, I should state that it is intended to be disposed of in an arrangement with the Vicar of Shincliffe, but the Commissioners will make their contemplated grant of 50 *l.* by a payment from their common fund.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 17 December 1853.

ST. CUTHBERT'S DURHAM.—PROPOSED DISTRICT.

I HAVE submitted to the Dean and Chapter of Durham the reply of the Ecclesiastical Commissioners for England to the proposal made on the part of the Dean and Chapter by my letter of 24th October last, for supplying the deficiency in the proposed endowment of this district.

The objection made to a reversionary grant of land as an endowment, places the Dean and Chapter in considerable difficulty, as they have scarcely any property which is not subject to leases for terms of years at nominal rents. The only property of the Cathedral Church which is not subject to such leases, and which could be conveniently offered as an endowment, is that which is assigned by the statutes of the Church to the several canonries. This property is in all cases let to tenants from year to year, and at rack-rents; and among these is a farm called Priors Close, containing about 115 acres of land, yielding a clear rent of about 72 *l.*, situate in the township of Rainton, in this county, and not more than three miles from the boundary of the proposed district; it is held by the canon of the 7th canonry.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Durham, St. Cuthbert's proposed District.

It is proposed to cede this to supply the deficiency in the endowment, the canon consenting to do so on condition that he is compensated, by the payment from the Dean and Chapter, of an annual equivalent grant during his incumbency of the canonry.

I am directed by the Dean and Chapter to request you will be so good as to submit this proposal to the Commissioners.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 24 December 1853.

ST. CUTHBERT'S DURHAM.—PROPOSED DISTRICT.

I HAVE laid before the Ecclesiastical Commissioners for England your communication of the 17th instant.

The proposal therein contained that the Commissioners should consent to the appropriation to the endowment of this proposed district, of property forming part of the separate estate of the 7th canonry in Durham Cathedral, appears open to two objections; first, that it would not be an endowment out of the capitular estates properly so called; second, that there would be an awkwardness in the Chapter's appropriating a portion of their corporate revenues to compensating the holder of the seventh canonry for giving up the property, and that such an arrangement would not avoid the difficulties which in the Commissioners' opinion existed in the way of the measure previously proposed by the Chapter.

I am, however, to suggest that the Act 14 & 15 Vict. c. 104, affords the means of appropriating any cash or stock belonging to the Dean and Chapter, in the buying up and bringing into possession of any leasehold interests in their estates which may be outstanding, and that by this means the surrender of the lease or leases of the Dean and Chapter's tithes arising within the district, or in its neighbourhood, might be procured, and that thereupon such a grant might in this case be made in possession under the Archbishop's Act, as the Commissioners would be prepared to approve.

(signed) *James J. Chalk.*

EXTRACT from Report of Estates Committee, held Thursday, 22d December 1853.

Adopted at General Meeting, held 5th January 1854.

THE Committee have had under consideration a further communication on behalf of the Chapter of Durham, stating with reference to the proposed new District of St. Cuthbert, Durham, that the objection entertained by the Commissioners to the Chapter's proposed grant of their reversionary interest in certain property, as a part endowment, places the Chapter in a position of much difficulty, as nearly all their property is held out against them on beneficial lease, but suggesting that the Commissioners should sanction the appropriation to this purpose of a farm of about 115 acres, situate near the boundary of the district, now let at rack-rent, and which will become vested in the Commissioners on the next avoidance of the 7th canonry, to which it now belongs as a part of its separate estate; the Chapter proposing to compensate the existing Canon for the loss by a yearly payment equivalent to the rent out of their corporate revenues during his incumbency.

This proposal having appeared to the Committee open to two objections,

1st. That it would not be an endowment out of the capitular estates, properly so called, and

2d. That there would be an awkwardness in the Chapter's appropriating a portion of the corporate revenues to compensating the holder of the canonry for giving up the property, while such an arrangement would not avoid the difficulties which in the opinion of the Committee existed in the way of the measure previously proposed by the Chapter.

The Committee therefore directed an answer to this effect to be sent accordingly, and at the same time suggested to the Chapter that the provisions of the Act 14 & 15 Vict. c. 104, afford a more convenient means of carrying out the arrangement by applying any cash or stock belonging to the Chapter to buying up and bringing into possession the tithes arising within the proposed district or its neighbourhood, out of which such a grant might thereupon be made in possession under the 1 & 2 Will. 4, c. 25, as the Commissioners would be prepared to approve.

LETTER

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 10 January 1854.

ST. CUTHBERTS', DURHAM.—PROPOSED DISTRICT.

I HAVE submitted to the Dean and Chapter of Durham the reply of the Ecclesiastical Commissioners to the proposal contained in my letter of the 17th ultimo. As the Commissioners withhold their consent to the grant of that portion of the cathedral property which is held by the Canon of the 7th canonry, the Dean and Chapter are unable to propose any endowment not liable to the objection previously made by the Commissioners, viz., its prospective nature.

With respect to the suggestion contained in your letter of 24th ultimo, for the purchase under 14 & 15 Vict. c. 104, of any leasehold interests which may be outstanding, and for the grant of the property thus brought into possession, I have to observe that there would be very great difficulty in carrying this suggestion into effect, the lessees being extremely unwilling to sell their interests to the Dean and Chapter at any prices. Out of more than 200 applications for negotiations under this Act, not more than one applicant has offered to sell the leasehold interest, and this offer was not made until an attempt on the part of the lessee to purchase the interest of the Chapter had failed.

The Dean and Chapter therefore apprehend that even if a lessee were disposed to sell his interest in property which might be considered as affording an eligible endowment, the sum asked would be such as the Church Estates Commissioners could not approve.

The Dean and Chapter therefore hope that if, as they have reason to believe, it should be found impossible to carry out this suggestion, the Ecclesiastical Commissioners will not prevent them from making the endowment as at first proposed, from property subject to existing leases, in strict conformity with sec. 13, 1 & 2 Will. 4, c. 45, the Dean and Chapter undertaking to pay annually to the incumbent until the leases shall expire, a sum equal to the annual value of the property proposed to be granted.

(signed) *Wm. Chas. Chaytor.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 11 March 1854.

ST. CUTHBERT'S, DURHAM.—PROPOSED DISTRICT.

SINCE the receipt of your letter of the 24th December last, the Dean and Chapter have been endeavouring, in onformity with the views of the Commissioners, to buy up the leasehold interest in the tithes within the district for the purpose of granting them as an endowment, but the lessee is unwilling to sell, and on the contrary, proposes to buy the reversion, supposing "that the money thus raised would serve the purpose which the Dean and Chapter have in view." He does not, however, offer any sum for the purchase, and unless a large sum were given, it is manifest that the money would not provide the required endowment, even if the Church Estates Commissioners should deem it right to sanction a sale of the tithes.

In these circumstances the Dean and Chapter hope that the Ecclesiastical Commissioners will allow them to make the endowment in the manner proposed by my letter of the 27th June last, that is to say, by at once granting the tithes, subject to the lease, and by paying to the incumbent annually a sum equal to the yearly value of the tithes, until the lease shall expire.

(signed) *Wm. Chas. Chaytor.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 18 April 1854.

ST. CUTHBERT'S, DURHAM.—PROPOSED DISTRICT.

I AM directed by the Dean and Chapter of Durham respectfully to request that you will be so good as to call the attention of the Ecclesiastical Commissioners to this subject, and to request a reply to their letter of the 11th ultimo.

(signed) *Wm. Chas. Chaytor.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Coxhoe proposed District.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE respecting the Constitution and Endowment of the proposed District of COXHOE, to be taken out of the Parishes of KELLOE and BISHOP'S MIDDLEHAM.

To Her Majesty's Ecclesiastical Commissioners.

The MEMORIAL of *Robert Birkett*, Clerk, Vicar of the Parish of Kelloe, in the County of Durham;

Sheweth,

THAT the township of Coxhoe, in the said parish of Kelloe, contains a very considerable population, a population consisting chiefly of pitmen and their families; that the formation of an ecclesiastical district, comprising the most populous part of the said township and also other adjacent places, containing together 2,400 people, is a highly desirable object; that the spiritual destitution of the people in the contemplated district is, unhappily, very great; that the parish church affords accommodation for very few (if any) more than 250 persons; that the major part of the projected district is distant from the parish church upwards of two miles; that the Lord Bishop of the diocese is always ready to sanction any measure calculated to promote the spiritual welfare of the poor, and therefore will not oppose the application for a district; and that the Venerable Archdeacon of Durham suggested the propriety and the necessity of the present application.

Under these circumstances, your memorialist humbly prays that a district may be assigned, and also an endowment granted out of the funds lately made available for the spiritual wants of the labouring classes in populous districts.

(signed) *R. Birkett*,
Kelloe, near Durham,
4 December 1844.

The plan of the projected district, now in progress, will be forwarded immediately after the Lord Bishop and the Archdeacon have signified their approval. It is, however, the Venerable Archdeacon's wish that the application should be made without the least possible loss of time.

(signed) *R. B.*

LETTER from the Rev. *R. G. L. Blenkinsopp* to the Secretary.

Shadforth Parsonage, Durham,
9 December 1844.

Sir,

THE Archdeacon of Durham being very anxious that a clergyman should be appointed to the district of Coxhoe, in the parish of Kelloe, on account of its present lost and destitute condition, has requested me, as I am living in the neighbourhood, to write to you upon the subject. As Mr. Birkett is much confined on account of ill-health, I am willing to assist him in this matter as much as lies in my power; and if you will have the goodness to tell me what information you require, and what steps it is necessary to take in order to obtain assistance, I will feel very much obliged. I have no connexion with and no interest in Coxhoe, excepting feeling most anxious that it should not remain in its present neglected state. I am well aware that already an immense number of applications will have been sent in to you, but few, if any, will, I believe, have a stronger claim upon your notice. The population of Kelloe, in 1831, was somewhere about 700; in 1841, only 10 years after, it was 11,500; this is reduced in the eastern portion of the parish by the separation of Thornley and Wingate Districts; but the western portion remains in a melancholy condition, and I do sincerely trust that the Commissioners will take this case into their favourable consideration.

(signed) *R. G. L. Blenkinsopp.*

LETTER

LETTER from the Secretary to the Rev. *R. G. L. Blenkinsopp.*

Sir, Whitehall-place, 14 December 1844.

IN answer to your note of the 9th instant, I have the honour to inform you that forms of inquiry were forwarded from this office on the 9th instant to the Rev. R. Birkett, on application being made to the Ecclesiastical Commissioners for England, for the formation of a district within his parish under the Church Endowment Act (6 & 7 Vict. c. 37).

Upon one of such forms being returned, duly filled up, the case will be laid before the Commissioners.

(signed for the Secretary)
Wm. Good.

LETTER from the Rev. *R. Birkett* to the Secretary.

Sir, Kelloe, 1 January 1845.

I TAKE the liberty of forwarding to you answers to the queries you sent me, together with a statement explanatory of the matter; and I have to request that you will kindly lay the same before Her Majesty's Commissioners at their next meeting.

The plans are in course of preparation, and will be forwarded, I trust, in the course of a few days. Copies of the answers to queries, and of the statement, have been sent to the Bishop of the diocese.

(signed) *R. Birkett.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Durham Diocese.

Office,—Whitehall-place, London.

FORM of INQUIRY, on Application being made to the ECCLESIASTICAL COMMISSIONERS FOR ENGLAND for constituting * *a new District* for Spiritual Purposes under the Act 6 & 7 Vict. c. 37.

N.B.—No District can be constituted, *under this Act*, containing within its limits any *consecrated Church or Chapel in use for the purposes of Divine Worship* (see Section 9):—and the Commissioners have determined not to entertain, at present, any Application for a District *with a Population of less than* 2,000; unless the whole amount of the Endowment required by the Act can be provided independently of any grant from their funds.

No Church can be consecrated, as the Church of a District constituted under this Act, *so as to make the District a "New Parish,"* until such Church shall have been *approved by the Commissioners* (see Section 15). It is therefore obviously desirable, that before *final* arrangements are settled for providing any such Church some communication be made to the Commissioners, respecting its nature, site, and intended accommodation.

1. What Name is recommended for the proposed new District?	The district of Coxhoe.
2. Does the proposed district comprise any part or parts of more Parishes, Chapelries or Districts than one?	Yes; it includes a portion of the parish of Kelloe, and a very small portion of the parish of Bishop Middleham.
If so, state the Name of each Parish, Chapelry, or District here; and repeat them, with all the required particulars, in the following table.	
3. What is the Amount of the Population within the proposed District?	Upwards of 3,000.
4. Of what Classes of Persons, with reference to their Employments and Means, does this Population chiefly consist?	The population consists almost entirely of pitmen, persons who gain their livelihood from working coals.
5. Is it likely to increase, and at what probable rate?	It has increased very rapidly in the last few years, and will probably not vary much for some time to come.

* If more than one new District be proposed, a separate Return must be made in respect of each.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Coxhoe proposed District.

6. What is the superficial Extent of the proposed District?	From 1,000 to 1,500 acres.
7. Is there within the proposed District any *unconsecrated* Building, licensed by the Bishop for the performance of Divine Worship? Describe its nature;—state the number of sittings;—*and mark its situation on the map or plan to be returned herewith.*	No, none.
8. Is there within the proposed District any *unlicensed* Building fit to be licensed for Divine Worship? Describe its condition;—state the number it is capable of accommodating;—*and mark its situation on the map or plan to be returned herewith.*	Not at present. *See* the statement sent herewith.
9. Is any and what provision made, or contemplated, towards the permanent Endowment of the Minister of the proposed new District? State the amount of any sums paid or promised towards *this* object?	No, none whatever. Paid - - £. Promised - £. Total - - £.
10. Is any, and what provision made, or contemplated, towards obtaining a House of Residence, or a site for such House? State the amount of any sums paid or promised towards *this* object.	No, none. Paid - - £. Promised - £. Total - - £.
11. Are any and what measures already taken, or in contemplation, for or towards providing a Church within the proposed new District? State the amount of any sums paid or promised towards *this* object. *Mark the intended site of the proposed Church on the map or plan to be returned herewith.*	No. *See* statement sent herewith. Paid - - £. Promised - £. Total - - £.
12. What number of Sittings is such Church to contain?	
13. How many of such Sittings are to be unappropriated?	
14. Is any and what arrangement proposed respecting the assignment of the Patronage of the new District, under the 20th section of the Act? If so, for what consideration, or on what ground?	No arrangement is proposed.
15. Is the proposed District, and are the boundaries thereof, considered to be the best and most conveniently arranged, with regard to the places of residence of the inhabitants, and the situation of existing Churches or Chapels; or might any other more convenient arrangement be made by adding to the District any and what parts of any and what adjacent parishes, &c.?	Yes; except that a portion of the parish of Kelloe is included in the district, towards the north-west, because the inhabitants, who are but few in number, are two miles further from their parish church than they are from the probable site of the church of the new district.

PARTICULARS respecting each PARISH, CHAPELRY, DISTRICT, or EXTRA-PAROCHIAL PLACE, out of which the proposed "NEW DISTRICT" is wholly or in part to be taken.

Name of each Parish, Chapelry, &c.	Quality; whether Parish, Chapelry, &c.	Consecrated Churches or Chapels contained in each Parish, Chapelry, &c.	Accommodation in each Church or Chapel.	Number of Free Sittings in each Church or Chapel.	Amount of Population of each Parish, Chapelry, &c.		Number of such Population included within "New District."
Kelloe	Parish	Church	250	50	2,800	11,223	2,900
		Thornely Chapel	500	375			
		Wingate Chapel	500	375	2,600		
Bishop Middleham	Parish	Church	400	150	About 2,000		200

Note.—A Map of the Parish or Parishes, &c., out of which the proposed new District is to be taken, must be returned herewith;—*showing the proposed new District, distinctly marked and coloured—and the site of every existing Church and Chapel—and of any proposed Church and of any Building for Divine Worship licensed or proposed to be licensed.*

A correct description in words of the Boundaries of the proposed new District must also be sent.

Note.—*If there are any other statements or observations which may be considered as proper to be made to the Commissioners, connected with or bearing upon the foregoing Inquiries, it is requested that the same may be written on a separate sheet of paper.*

Name of Applicant - - - - Robert Birkett.
Profession and Address - - - Vicar of Kelloe, near Durham.
Date - - - - - - - - - 27 December 1844.

DISTRICT of *Coxhoe*, in the Parish of Kelloe, in the County and Diocese of Durham.

SOME explanation is required with respect to the amount of the population in this proposed district. In the memorial originally sent to Her Majesty's Commissioners, it was stated that the population was about 2,400, but since that time it has been thought desirable to include a larger portion of the parish of Kelloe, and the amount of the population of the district, as now proposed, is upwards of 3,000.

With respect to Query 8, I would beg to explain, that although there is not at present any building fit for the performance of divine worship, steps have been taken to obtain the erection of two schools, capable of being thrown together, which will accommodate between 200 and 300 persons, and which it is hoped will be erected in the course of the ensuing year. The proposed position of these schools is marked on the plan.

Query 11. An attempt was made some time ago to obtain a chapel for this district, and subscriptions were promised by the Bishop of the diocese, the Diocesan Church Building Society, and others; this design, however, was abandoned, in consequence of the impossibility of obtaining a site in the parish of Kelloe sufficiently near the population to be eligible. The fact that the coal under this portion of the parish of Kelloe has been removed very recently will sufficiently explain this difficulty, the ground being in a state of motion from gradually subsiding, and of course eminently unfit for building purposes. In the adjoining parish of Bishop Middleham, the same difficulty does not occur. The coal there has not been removed, and from the circumstance of its being very small in quantity, is not likely ever to be worked. A site has recently been promised for the erection of schools immediately adjoining the mass of the population, though in the parish of Bishop Middleham; and it has been thought desirable to include a small portion of this parish in the district, with the view of affording an eligible site for a church, as well as for the accommodation of such portions of the population of Bishop Middleham as lie immediately adjacent.

The principal portion of the population of this district being at a distance of two miles and upwards from the parish church of Kelloe, and the population being of a class who are quite unable to contribute anything out of their earnings towards ecclesiastical or educational purposes, it is earnestly hoped that this application may meet with the favourable consideration of Her Majesty's Commissioners.

(signed) *Robert Birkett,*
Vicar of Kelloe.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Coxhoe proposed District.

LETTER from Archdeacon *Thorp* to the Secretary.

My dear Sir, College, Durham, 23 January 1845.

I ENCLOSE a map of the proposed new district of Coxhoe, to be taken out of the parishs of Kelloe and Bishop's Middleham, in this diocese, and archdeaconry of Durham.

The large population has been stated to you by the incumbent; and I may add that no place in this diocese is so much in need of your assistance.

Let me hope that the Ecclesiastical Board will be able to afford it.

I have no connexion with this miserable place but as archdeacon.

If the plan is approved, and you require further information from me, you may rely upon me to render it, so far as I have the power.

(signed) *Charles Thorp.*

Mr. Railton will give you some account of the population.

LETTER from the Rev. *R. Webster* to the Secretary.

Dear Sir, Kelloe, Ferryhill, 7 March 1852.

I WOULD ask permission to lay before Her Majesty's Church Commissioners, with a view to the appointment of a resident incumbent, an application for the means of forming an ecclesiastical district around the church proposed to be built at Coxhoe, in the diocese of Durham; a district to be formed partly out of my own parish of Kelloe, and partly from the adjoining parish of Bishop Middleham. I believe the case to be a very strong one indeed, and such as may fairly be laid before the Board.

Will you, therefore, do me the kindness to send the series of questions necessary to be answered on such occasions, adding whatever directions you think proper to be observed by me, which I will carefully attend to.

(signed) *Rowland Webster.*

LETTER from the Secretary to the Rev. *R. Webster.*

Sir, Whitehall-place, 9 March 1852.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, respecting the formation of a district for an intended church to be erected at Coxhoe, and to inform you that the Ecclesiastical Commissioners for England have not at present at their disposal any funds applicable to the endowment of any intended district or church.

(signed) *James J. Chalk.*

LETTER from the Rev. *R. Webster* to the Secretary.

Dear Sir, Kelloe, Ferryhill, 9 March 1852.

I MUST apologise for having most unwittingly given you needless trouble by asking for a preliminary Form of Application for the assignment of a consolidated chapelry.

I have since found what I conceive to be the appropriate form among some papers furnished to me by Mr. Jelf only a month ago.

Trusting you will pardon me,

(signed) *Rowland Webster.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the Annexation of certain LAND by the DEAN and CHAPTER of DURHAM to the PERPETUAL CURACY of HOLY ISLAND.

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 17 October 1853.

I AM directed by the Dean and Chapter of Durham to request you will submit to the Ecclesiastical Commissioners for England a proposal to make over certain property in Holy Island to the church there, under the provisions of 1 & 2 Will. 4, c. 45, in augmentation of the income of the incumbent.

The property consists of 7 acres, 2 roods, and 12 perches of land, in several detached parcels, and is of the estimated annual value of 22 *l.* It is at present held by the Duke of Northumberland, under a lease granted by the Dean and Chapter for a term of years, which will expire in August 1868, at the yearly rent of 3 *l.* 6 *s.* 8 *d.*

From the return made in 1835, and a subsequent addition of 50 *l.* per annum made by the Dean and Chapter, it would appear that the income of the living does not now exceed 257 *l.* By the statement now made by the incumbent, the clear yearly income does not exceed 225 *l.* This discrepance may be accounted for by the fact, that in the return made to the Ecclesiastical Revenues Commissioners in 1835, the gross and net income of the living are stated to be of the same amount, the incumbent probably omitting to make the necessary deductions from the gross income.

As the Dean and Chapter have no other property in the island, and the living is an important one, the Dean and Chapter hope the Ecclesiastical Commissioners will not withhold their assent to the proposed augmentation.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Report of Estates Committee, held Friday, 28 October 1853.

Adopted at General Meeting, held 10 November 1853.

THE Committee have had under consideration a proposal by the Dean and Chapter of Durham to annex in reversion, under the provisions of the Act 1 & 2 Will. 4, c. 45, to the perpetual curacy of Holy Island, certain detached parcels of land therein, part of the Capitular Estates, comprising 7 A. 2 R. 12 P., which are at present subject to a beneficial lease, of which 15 years are yet unexpired.

The annual value of the land in question is estimated at 22 *l.*; the net income of the living is stated to be about 225 *l.*; and the population, according to the census of 1851, amounts to 908.

The Committee recommend, under the circumstances, that an intimation be given to the Chapter of the Commissioners' willingness to concur in the proposed grant of the reversion, provided that the intermediate interest of the lessee can also be at once secured for the benefit of the living.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 16 November 1853.

HOLY ISLAND P. C.

I HAVE submitted to the Ecclesiastical Commissioners for England the proposal, by the Dean and Chapter of Durham, to annex to the above living, under the provisions of the Act 1 & 2 Will. 4, c. 45, the reversion of certain detached parcels of land, comprising 7A. 2R. 12P., situate in the parish, which are at present subject to a beneficial lease, of which 15 years are unexpired; and I am directed so express to you the Commissioners' willingness to concur in the proposed grant, provided that the intermediate interest of the lessee can also be at once secured for the benefit of the living.

(signed) *J. J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Holy Island, P. C.

LETTER from the Rev. *A. Watson* to the Ecclesiastical Commissioners for *England.*

My Lords and Gentlemen, Holy Island, Berwick, 18 Nov. 1853.

I HAVE lately been given to understand that the Dean and Chapter of Durham, the patrons of the perpetual curacy of Holy Island, are desirous of augmenting the living by ceding to the curate a small piece of land in the island, belonging to them, and which is let on lease.

Permit me, therefore, respectfully to solicit your sanction to the proposed gift, which would be a very acceptable addition to this small living, when the many disadvantages connected with island life, especially the great additional cost of housekeeping, are considered.

(signed) *Anthony Watson,*
Incumbent Curate.

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 21 November 1853.

HOLY ISLAND CURACY.

I HAVE communicated to the Dean and Chapter of Durham your letter of the 16th instant, in which you announce the willingness of the Ecclesiastical Commissioners to concur in the proposed grant of the reversionary interest of the Dean and Chapter in certain property in Holy Island, provided that the intermediate interest of the lessee can be at once secured to the living. I am directed to state that there are very great difficulties in complying with the strict letter of this condition; but the Dean and Chapter propose, by the payment of an equivalent annual sum to the incumbent, during the existence of that intermediate interest, to secure the present as well as the future advantage of the augmentation to the incumbent. The annual rent derivable from the possession of the property would amount to 22 *l.*, and this sum the Dean and Chapter propose to pay henceforth annually to the incumbent, until he shall come into the full enjoyment of the proposed grant.

The Dean and Chapter hope that the Commissioners will consider this proposal as such a compliance with the spirit of their condition as to induce them to give their assent at once to the proposed augmentation.

(signed) *Wm. Chas. Chaytor.*

LETTER from the Secretary to the Rev. *A. Watson.*

Sir, Whitehall-place, 24 November 1853.

HOLY ISLAND, P. C.

PROPOSED AUGMENTATION by Dean and Chapter of *Durham.*

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant, respecting the proposed augmentation of this perpetual curacy, and in reply beg to transmit a copy of a letter,* which, by direction of the Ecclesiastical Commissioners for England, I have addressed to Mr. Chaytor, the Chapter Clerk, upon the subject.

(signed) *J. J. Chalk.*

* *See* Letter to Mr. Chaytor, dated 16 November 1853, page 329.

EXTRACT from Report of Estates Committee, held Thursday, 30 November 1853.

Adopted at General Meeting, held 8th December 1853.

THE committee have had before them a letter from the Dean and Chapter of Durham, stating that considerable difficulty exists in obtaining the intermediate interest of the lessee in the land proposed to be annexed to the perpetual curacy of Holy Island, as required by the resolution of the 10th instant, and that under these circumstances the Chapter propose to make a money payment to the incumbent, during the continuance of the lease, equivalent to the annual value of the land in question, to which arrangement they request the consent of the Commissioners; and the committee recommend that the Board express their disinclination to sanction such an arrangement, as, even if it be practicable, it could not be conveniently carried out.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 21 December 1853.

HOLY ISLAND, P. C.

PROPOSED AUGMENTATION by Dean and Chapter of *Durham*.

HAVING submitted to the Ecclesiastical Commissioners for England your letter of the 21st ultimo on behalf of the Chapter, stating the difficulties which exist in obtaining the intermediate interest of the lessee in the land proposed to be annexed to this living, and also the course which the Chapter would, under the circumstances, desire to adopt, I am directed to intimate to you that, as it does not appear to the Commissioners that the intended arrangement, even if it be practicable, could be conveniently carried out, they do not feel disposed to sanction the course suggested by the Chapter, &c.

(signed) *J. J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 10 January 1854.

HOLY ISLAND, P. C.

THE Dean and Chapter of Durham learn with much surprise that the arrangement which they have proposed for the augmentation of Holy Island is considered by the Ecclesiastical Commissioners to be, "even if practicable, such as could not be conveniently carried out;" that arrangement being simply this, that the property in question, now in lease, should be immediately secured to the incumbent, and that the annual value, which he would not receive till the expiration of the lease, shall be paid to him in the meantime annually out of the general income of the Chapter.

It becomes, then, the duty of the Dean and Chapter to inform the Ecclesiastical Commissioners, that this is with them no new or experimental arrangement, but, on the contrary, one which they have not only found practicable, but have actually carried out in a great number of instances, and without the slightest inconvenience, for the space of more than 20 years.

To be more particular: since the year 1830 the Dean and Chapter of Durham have augmented 35 benefices exactly in the manner now proposed. They have thus expended, out of their annual income, about 50,000*l.*, which sum, instead of being paid to them, has been divided among their poorer incumbents without any inconvenience to either party. In some cases the payments have now ceased, and the incumbents have come into possession of a secure and improvable property; in many others the payments are still continuing; and though there is, perhaps, no legal method of enforcing them, yet the obligation of honor may be as powerful as any legal obligation. Faith has been invariably kept with the incumbents, and faith will, of course, be invariably kept hereafter.

Had any impediment to this method of augmentation existed 20 years ago, the livings must have remained for the most part in poverty; and much censure would have been deservedly cast, not so much on the Dean and Chapter, who would have endeavoured to perform their duty, as on the obstacle which had impeded them; and even now they beg respectfully to assure the Ecclesiastical Commissioners that such censure will not be avoided if they shall be prevented from making further additions to the still insufficient stipends of some of their parochial brethren.

The Dean and Chapter have thought it proper to refer to their former and present proceedings, not certainly with any pride, for they are conscious how much yet remains undone; but only that they may invite the Ecclesiastical Commissioners again to consider whether it be wise or right to frustrate their reasonable intentions, and to denounce as impracticable or inconvenient arrangements which they have carried into practice with perfect convenience for almost a quarter of a century, and which offer them still the most convenient, where it is not the only method of improving the condition of their incumbents.

(signed) *Wm. Chas. Chaytor.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Holy Island, P. C.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 14 January 1854.

HOLY ISLAND, P. C.

I AM directed by the Ecclesiastical Commissioners for England to acknowledge the receipt of your letter of the 10th instant, which shall receive due consideration, and to request that they may be informed whether any and what steps have been taken with a view to bringing into possession, for the purpose of annexation to this living, the land which the Chapter propose to grant to it in reversion, and what may have been the result of any such proceeding.

(signed) *J. J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 16 January 1854.

HOLY ISLAND, P. C.

IN reply to your letter of 14th instant I beg to state, for the information of the Ecclesiastical Commissioners, that the Dean and Chapter anticipating considerable difficulty in any negotiation for bringing into possession the land proposed to be granted to this living, and being unwilling to make any official communication on the subject to the lessee without some prospect of success, some time ago authorised a member of the Chapter to ascertain by private inquiry, whether the lessee would surrender his interest.

The result of that inquiry has not yet been made known to the Dean and Chapter.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Minutes of Estates Committee, held Wednesday, 1 February 1854.

HOLY ISLAND, P. C.

THE draft of a letter to the Chapter Clerk of Durham, with reference to the proposed augmentation of this living by the Dean and Chapter, by a grant of land, subject to a beneficial lease, was approved.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 8 February 1854.

HOLY ISLAND, P. C.

As it may be some time before the information referred to in your letter of the 16th ultimo can be received, the Ecclesiastical Commissioners for England deem it right that the following communication, with reference to yours of the 10th of the same month, should be at once made to the Dean and Chapter of Durham.

The Commissioners are willing to believe that the prognostications of the Dean and Chapter, with regard to the liability of the Commissioners to censure for their non-concurrence with the Dean and Chapter in arrangements of this nature, and the dissatisfaction which they have expressed at the opinion of the Commissioners that the proposal of the Dean and Chapter in reference to Holy Island, even if practicable, could not be conveniently carried out, result from the Dean and Chapter having, in their anxiety to improve the livings in their patronage, overlooked the difficulties with which the Commissioners have to contend in dealing with proposals for the augmentation of benefices.

The great amount of town population throughout England and Wales, more or less unprovided with pastoral superintendence, and the numerous rural livings of large territorial extent, with endowments less than the limited means of the Incumbent of Holy Island, create a demand upon the income and property vested in the Commissioners far beyond the means of satisfying it.

Under the authority of Parliament, moreover, the Commissioners have pledged their property which is in expectancy for securing a present and permanent provision for the urgent spiritual wants of some of the most populous districts of the kingdom.

Having regard to these demands and liabilities, the Commissioners would not under ordinary circumstances feel justified in contributing directly or indirectly out of their present or prospective resources (amongst which is included their share in the revenues of the Chapter property of Durham) to the augmentation of a living, of which the population hardly exceeds 900, and the present income is more than 220 *l.*

The peculiarity of Holy Island, however, and the large demands upon the resident Incumbent which must necessarily result from its isolation, appeared to the Commissioners to constitute it an exceptional case, well deserving of special consideration.

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The existence of the outstanding beneficial lease of 15 years was one cause of embarrassment to the Commissioners in dealing with the case of Holy Island, and it should be borne in mind, that although in the particular case the lands proposed to be given in augmentation are not of great value, yet the number of applications for augmentation which have been or may be made to the Commissioners, render the subject important, as likely to affect a considerable aggregate of property.

In cases of augmentation the Commissioners recognise an important distinction between grants of property in possession, and grants of property in reversion. With regard to the latter, they feel that by the time the reversion falls in the value of the property may have changed, and the actual or relative condition of the benefice, or of the parish, may have materially altered, and they think it reasonable and convenient that it should be left to those who may be then entrusted with the administration of this branch of ecclesiastical business to decide on the propriety of an augmentation which is not till then to have practical effect.

The position of the lessee likewise is seriously and injuriously affected by a grant of the reversion to a benefice. He is not only deprived of the possibility of renewal, but the reversion is no longer vested in a body who can give effect to the intentions of the Legislature, expressed in the Act of 1851, and who can satisfy by purchasing the lease, the just and reasonable expectations of the lessee.

To meet these difficulties, incidental to the grant of a reversion in augmentation, the Commissioners have on various occasions, when such augmentation was in other respects considered advisable, sought and obtained the concurrence of the beneficial lessee, who has sometimes generously given up his interest, or has parted with it on terms favourable to the church, so as to admit of the benefice being augmented *in præsenti*.

The Commissioners entertained hopes that such would have been the practical result if the Dean and Chapter had, in conformity with the suggestion of the Commissioners, endeavoured to secure the intermediate interest of the lessee for the benefit of the living, and these hopes appear by yours of the 16th of January to have been well founded.

Assuming, however, that this is impossible, it remains for the Commissioners to advert to the course proposed by the Dean and Chapter, namely, that the property in question now on lease should be immediately secured to the incumbent, and that the annual value, which he would not receive till the expiration of the lease, should be paid to him in the meantime annually out of the general income of the Chapter.

Upon this, the Commissioners will observe, in the first place, that it leaves untouched the important difficulty with regard to the lessee which the Commissioners have described.

Secondly, that although of course there cannot be the slightest doubt in the minds of the Commissioners, that an engagement on the part of the Dean and Chapter to make the proposed intermediate allowance would be scrupulously fulfilled by them, as far as they are individually concerned, yet having regard to the fixed limitation of income which is to supervene on newly appointed dignitaries of the cathedral of Durham, and the suspension of the next canonry which may become vacant, the temporary augmentation proposed will be borne by some, and not by other members of the Chapter, and the large share virtually borne by the Ecclesiastical Commissioners will be uncertain and progressive.

The Commissioners trust that this full explanation of their views will satisfy the Dean and Chapter that the Commissioners have not unadvisedly objected to the course pointed out by the Dean and Chapter for the augmentation of the benefice of Holy Island as being inconvenient, even if practicable.

(signed) *J. J. Chalk.*

Letter from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 6 March 1854.

According to the expectation of the Dean and Chapter of Durham, their lessee in Holy Island has refused to sell to them his interest in their property.

He accompanied his refusal by an offer to purchase the freehold, which the Dean and Chapter have declined in their turn. The lease stands for renewal in August next. In these circumstances the Dean and Chapter must be allowed to make a few short remarks on your letter of the 8th ultimo.

1. The Ecclesiastical Commissioners object, it appears, to augmentations by grants of property in reversion. But in refusing to sanction such augmentations, do they consider that they are virtually repealing the Act 1 & 2 Will. 4, c. 45, which expressly and repeatedly provides for the same?

The 76th section of 3 & 4 Vict. c. 113, which alone makes their consent necessary for the validity of such grants, begins by stating, "That nothing in this Act contained shall be construed to prejudice or affect any of the provisions of 1 & 2 Will. 4, c. 45." Yet the Ecclesiastical Commissioners take their stand on a directly opposite principle to that of this latter Act, and so exercise their veto, as to render some of its most important provisions null and void. Is not this to stretch authority almost to the borders of illegality?

2. You defend the principle thus: "By the time the reversion falls in (14 years hence), the value of the property may have changed, and the actual or relative condition of the benefice may have materially altered"; and therefore you prefer grants of property in possession to those of property in reversion; but if this argument were valid at all, it would be equally valid against both. When you improve a benefice now, by a grant of property "in possession," may not the value of the property and the condition of the benefice be materially different 14 years hence? Were you then to make no endowments in 1854, unless you knew how exactly these matters would stand in 1868, it is manifest that you could make no endowments at all. You seem to forget that even immediate endowments are made for an uncertain future.

3. The Dean and Chapter of Durham respect as much as the Ecclesiastical Commissioners the interests of the lessee; but they are also in the habit of considering, that particular interests are not always to be an obstacle to measures of general advantage.

It has long been their practice to refuse the renewal of leases or of parts of leases, whenever any object of religious importance prescribed that course; and in so doing, they believe that they have at the same time best protected both the property and the rights of the Church.

Therefore, they now once more, and for the last time, respectfully urge their earnest solicitation—

That they may be permitted now to make over the land in question to the benefice of Holy Island, to be annexed to it at the expiration of the lease in August 1868.

Also, that they may be permitted to pay to the incumbent annually, out of the income of this church, the annual value of the same, until the lease shall expire.

(signed) *Wm. Chas. Chaytor.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

HOLY ISLAND, Perpetual Curacy.—Proposed Augmentation.

Dear Sir, Durham, 18 April 1854.

I AM directed by the Dean and Chapter of Durham respectfully to request that you will be so good as to call the attention of the Ecclesiastical Commissioners to this subject, and to request a reply to their letter of the 6th ultimo.

(signed) *Wm. Chas. Chaytor.*

EXTRACT from Report of Estates Committee, held Thursday, 4th May 1854.

Adopted at General Meeting, held 11th May 1853.

THE Committee have had before them a further communication from the Dean and Chapter of Durham, with reference to their proposed augmentation of the perpetual curacy of Holy Island, in which after stating that the lessee of the property proposed to be annexed to the living refuses to sell his leasehold interest, but is desirous of purchasing the reversion, which the Chapter have, however, declined, they again press upon the Commissioners the propriety of concurring in the original suggested arrangement.

After reconsideration of all the facts, the Committee recommend that the Commissioners' answer should be to the following effect, viz., That upon reconsideration of the circumstances, and having regard to the facts stated in the communication above referred to, and also to the objections entertained by the Commissioners to the original arrangement, as explained in the previous correspondence in this case, the Commissioners desire to suggest to the Chapter that they should proceed to enfranchise the land in question, and should, with the consent of the Commissioners, charge upon their estates now in hand an annual sum by way of augmentation of the benefice.

That such an arrangement would seem not only to obviate the objections at present entertained by the Commissioners, but would in their opinion provide a much more satisfactory augmentation than the proposed annexation to a benefice already possessing a considerable extent of land, and especially, since the land proposed to be annexed is applied by the lessee to a benevolent purpose for the benefit of the parishioners.

LETTER from the Secretary to *W. C. Chaytor*, Esq.

Dear Sir, Whitehall-place, 15 May 1854.

HOLY ISLAND, P. C.

AUGMENTATION by Dean and Chapter of *Durham*.

THE Ecclesiastical Commissioners for England have had under their consideration your letter of the 6th March, and the previous correspondence with relation to the proposed augmentation of this benefice by the Dean and Chapter.

The Commissioners have addressed themselves to the subject with a sincere desire to meet the wishes of the Chapter, recognizing and appreciating their benevolent intentions, and fully aware that, although the augmentation proposed would, as to part thereof immediately, and as to the whole thereof ultimately, diminish the revenues of the Commissioners; yet it involves a pecuniary sacrifice on the part of the Dean and members of the Chapter, as well in respect of the fines which they propose to forego, as also in respect of the intermediate annual sum to be provided until the expiration of the existing lease.

Upon reconsideration, however, of the circumstances of the case, and having regard to the facts stated in your communication above referred to, and also to the objections entertained by the Commissioners to the original arrangement, as explained in the previous correspondence upon the subject, they desire now to suggest to the Chapter that they should proceed to enfranchise the land proposed to be annexed to the living; and should with the consent of the Commissioners then charge upon the capitular estates now in hand an annual sum, by way of augmentation of the endowment of the benefice.

Such an arrangement would seem not only to obviate the objections at present entertained by the Board, but would, in their opinion, provide a much more satisfactory augmentation than the proposed annexation to a living already possessing a considerable extent of land; and especially since the land proposed to be annexed is applied by the lessee to a benevolent purpose for the benefit of the parishioners.

(signed) *J. J. Chalk.*

LETTER from *W. C. Chaytor*, Esq. to the Secretary.

Dear Sir, Durham, 12 June 1854.

HOLY ISLAND, Perpetual Curacy.

I AM directed by the Dean and Chapter of Durham to acknowledge the receipt of your letter of the 15th ultimo.

They are sorry to learn that the Commissioners decline to give their assent to the proposed grant. The Commissioners must have been misinformed respecting the land belonging to the living. The incumbent has none within the island, that which he possesses being on the main land and at great distance from his house. It was this want of land which the Dean and Chapter were principally anxious to supply. The grant which the Commissioners propose as a substitute would still leave the incumbent without the accommodation of which he is in need, and which is of much more importance to him than a grant in money of the same or even of greater pecuniary value.

The land in question, too, is the remnant of the ecclesiastical possessions in the island, in early times the episcopal seat of the Bishops of Durham, and the Dean and Chapter have great objections to its alienation, excepting for the purpose of endowing the church there.

They also beg to add that the benevolent intentions of the present lessee would not necessarily be defeated by the grant of the land to the living, but, on the contrary, its permanent application to purposes of such a nature is much more likely to be secured by a grant to the living than by an alienation, by which it might at a future time become the property of any individual, and be used for any purpose.

(signed) *Wm. Chas. Chaytor.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Newcastle-upon-Tyne, St. Nicholas Vicarage, &c.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE, &c., relating to the Augmentation of NEWCASTLE-UPON-TYNE, ST. NICHOLAS, V., with GOSFORTH, C.; ALL SAINTS, P.C.; ST. ANDREW, P. C.; and ST. JOHN, P. C.

To the ECCLESIASTICAL COMMISSIONERS for *England*.

The MEMORIAL of the Clergy of the Vicarage of Newcastle-upon-Tyne, in the Diocese of Durham.

Humbly Sheweth,

THAT your memorialists have to lament that they are called to labour under very discouraging circumstances, and with much less ministerial success than they could wish, in consequence of the very inadequate church accommodation for the numerous population committed in each parish respectively to their charge, and the comparatively small number of ministers employed.

This vicarage is divided into five parishes; that of St. Nicholas, All Saints, St. John's, St. Andrew's, and Gosforth.

In 1831, St. Nicholas contained a population of 6,126; All Saints, of 22,740; St. John's, of 13,117; St. Andrew's, of 12,868; Gosforth, of 3,546; or a total of 58,397.

But there is every reason to conclude that the present population of St. Nicholas is not less than 7,000; of All Saints, 25,000; of St. John's, 15,000; of St. Andrew's, 14,000; and of Gosforth, 4,000; or a total of 65,000, within this vicarage.

It is computed that St. Nicholas, the mother church, will hold 1,000 people;

Until 1808, All Saints, St. John's, and St. Andrew's were merely chapels of ease to St. Nicholas; but having then received Queen Anne's Bounty for the first time, they became incumbencies.

All Saints, 1,340, and its chapel of ease, 500;

St. John's, 1,400, and its chapel of ease, 630;

St. Andrew's, 1,600; and St. Thomas's, a donative in that parish, 1,600;

And Gosforth, 550.

Total of church accommodation, 8,620, for a population of 65,000.

Notwithstanding this great increase in the population, since the year 1768 there has been no additional church accommodation afforded, with the exception of St. Thomas's, a donative chapel, well endowed, in the gift of the corporation, parish of St. Andrew's, but without parochial charge, and Benwell, a chapel of ease to St. John's, unendowed.

Connected with the vicarage.

St. Nicholas' Church is served by the vicar, a curate, and a Sunday afternoon lecturer.

All Saints, by the incumbent or perpetual curate, a curate, and a Sunday morning lecturer.

St. Anne's, a chapel of ease to All Saints, by a curate, and of late a sub-curate, without district.

St. John's, by the incumbent or perpetual curate, a curate, and a Sunday afternoon lecturer.

Benwell, a chapel of ease to St. John's, by a curate, without district.

St. Andrew's, by the incumbent or perpetual curate, a curate, and a Sunday evening lecturer.

Gosforth, by a curate, and though a nominal defined parish, with cure of souls, is, in fact, a chapel of ease to St. Nicholas.

With the exception of the lecturer of St. Nicholas, who is paid voluntarily by the corporation, the other lecturers are paid by voluntary subscriptions, and none of them has any parochial duties attached to the lectureship, and, from other avocations, could take none.

It is in contemplation to build, by subscription, a second chapel of ease to All Saints, for the benefit of the rural population in that parish, amounting at least to 7,000. The expense is estimated at 2,200*l.*; but funds are wanted in aid of private subscriptions for the building, an endowment, and a house of residence for the minister. Indeed, none of the ministers, except the vicar, has a house for residence connected with his church. This chapel is intended to hold 1,000, and a site has been given.

In Gosforth, another chapel is also much wanted for a population of 2,000, distant from two to three miles from the present chapel.

There are three full services each Sunday in St. John's, St. Andrew's, and St. Thomas's, and two full services in the others.

The present vicar was inducted to this vicarage under the presentation of the Bishop of Carlisle, in 1826; is patron of the three incumbencies, viz., All Saints, St. John's, and St. Andrew's; and nominates the curate of Gosforth.

The net value of the living has been decreasing since 1828, when it was 851*l.* per annum; but in 1833 it was 470*l.*; in 1834, 406*l.*; in 1835, 518*l.*; and in 1836, 444*l.*

The

The annual income arises from 10 acres of glebe, vicarial tithes, fees, Easter dues, a rent-charge, and an annual corporation payment of 40*l.*, during the present incumbency only. The vicar is also entitled to all fees for vaults and monuments, and to a certain portion of surplice fees from all the churches connected with the vicarage, with the exception of Gosforth, from which he receives the whole fees.

The reduction in value has been caused by diminished agricultural prices; the opening of a cemetery by the Dissenters, which has, in different degrees, affected all the churches; a general refusal to pay Easter-dues; and a refusal by the corporation to pay the curate of St. Nicholas 40*l.* per annum, which was an ancient but voluntary payment. Another cemetery has been lately opened, from which the vicar receives 1*s.* for each funeral in the consecrated part, but nothing for vaults and monuments.

The annual income of the incumbent of All Saints may be stated at 333*l.*; of St. John's, at 244*l.*; of St. Andrew's, at 227*l.* (arising principally from surplice fees), out of which the curate's salaries are paid.

Gosforth is unendowed, and the vicar pays the curate a net 100*l.* per annum; the curate of Benwell receives 50*l.*, and the curate of St. Anne's 100*l.* per annum, which at the decease of the present aged clergyman will be reduced to 10*l.* per annum, the only endowment belonging to it, the other part being a voluntary payment by the corporation.

Upon this statement your memorialists beg most respectfully to submit for your consideration and sympathy the very inadequate provision made within this vicarage for the spiritual wants of the people in communion with the Church of England; the utter insufficiency of the present number of the parochial clergy to discharge their ministerial functions with anything like the efficiency required of them; and the lamentably slender pecuniary resources entrusted to the incumbents for the purposes of supporting that rank in life becoming their sacred order, exercising a suitable hospitality, paying additional curates, subscribing towards the erection of new chapels in districts where they are so much needed, meeting the frequent appeals of the poor in regard to their bodily wants, and the education of their children in religious and moral duties, and the claims of the many charitable local institutions to their countenance and support.

In short, the objects connected with this vicarage, to which, with all due deference, your memorialists would desire to request your attention, are an additional number of churches and curates, endowments of chapels of ease, houses for residence for the incumbents and curates wanting them, and an increased income for the incumbents to enable them to meet the various calls almost daily presented to their notice.

Whatever your beneficence may grant for all or any of the above important purposes will be most gratefully received, and applied in strict accordance with the directions you may give.

And your memorialists will, as in duty bound, ever pray.

John Dodd, Vicar of Newcastle-upon-Tyne.
Robt. Green, Perpetual Curate of All Saints.
H. W. Wright, Incumbent of St. John's.
Will. Dodd, Curate of St. Andrew's.
M. Manners, Incumbent Curate of St. Anne's.
G. A. Walker, Curate of St. Nicholas, and Evening Lecturer of St. Andrew's.
John Dinning, Sub-curate of All Saints.
W. Maughan, Sub-curate of St. John's.
Richard Chapman, Sub-curate of St. Andrew's.
Edw. Moises, Lecturer of All Saints.
John Reed, Lecturer of St. Nicholas.
John Wood, Lecturer of St. John's, and Head Master of the Grammar School.
F. R. Simpson, Curate of Benwell.
Thomas Ridley, Curate of Gosforth.

Newcastle-upon-Tyne, 10 October 1837.

I certify that the clergymen who have signed this memorial are worthy of credit, and I recommend it to the serious and kind consideration of the Ecclesiastical Commissioners.

(signed) *E. Dunelm.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Newcastle-upon-Tyne, St. Nicholas Vicarage, &c.

LETTER from the Secretary to the Rev. *John Dodd.*

Sir, Whitehall-place, 28 October 1837.

I HAVE the honour to acknowledge the receipt of a memorial addressed to the Ecclesiastical Commissioners for England by the clergy of the vicarage of Newcastle-upon-Tyne, in the diocese of Durham.

(signed) *C. K. Murray.*

LETTER from the Rev. *John Dodd* to the Secretary.

Dear Sir, Newcastle-upon-Tyne, 14 November 1837.

THE memorial which I lately sent you gives a general statement of the lamentable condition of this vicarage in various particulars. Allow me now, through you, to submit, for the consideration of the Honourable Board of Her Majesty's Ecclesiastical Commissioners, the great destitution of church accommodation and clerical ministration of one of our parishes, as detailed in this letter.

Every local exertion will be made; but, as All Saints is the poorest parish in this town, it will fall far short of supplying the sum required.

The case is exceedingly strong and urgent, and I am very desirous to convey the knowledge and the sacraments of the Gospel through an accredited minister. I hope for the kind assistance of the Board.

(signed) *John Dodd,*
Vicar of Newcastle.

COPY of a printed Statement annexed to the foregoing Letter.

PROPOSED NEW CHAPEL OF EASE at *Byker*, in the Parish of *All Saints*, within the Vicarage of *Newcastle-upon-Tyne.*

THE population of the parish of All Saints was, in the year 1811, 14,171; in 1821, 20,877; in 1831, 22,746; and is at present certainly not less than 25,000, and rapidly augmenting.

Though this great increase has taken place, no addition since 1768 has been made to the accommodation of the parishioners for public worship, according to the ritual of the National Church; the parish church, and St. Anne's, a chapel of ease, are alone available for that purpose. The church cannot seat comfortably more than 1,400, and the chapel than 500, or together about one-fourteenth of the present population.

That such a deficiency in the accommodation for public worship and religious instruction, according to the formularies of the Church of England, should exist in this locality, cannot but be a subject of deep regret to all who are conscientiously attached to our venerable establishment, or at all interested in the temporal and eternal welfare of the people.

The Vicar of Newcastle and the Incumbent of All Saints have long been painfully sensible of the exigency of the case, and the heavy responsibility attaching to them to provide some remedy, as far as it is practicable; and they beg leave to submit their plan to the candid consideration of an enlightened public.

It is proposed, with the full concurrence of the Bishop of Durham, to erect another chapel of ease at Byker, centrally situated, upon a very eligible freehold site of one acre, liberally offered by Sir Matthew White Ridley, Bart., for the purpose of meeting in some degree the spiritual wants of the rural population of that parish, amounting to about 7,000.

The dimensions of the new chapel must, of course, depend upon the amount of subscriptions; but if at all commensurate with the spiritual destitution of the people in that district, it should not contain less than 1,000 sittings, of which one-half, at least, must be entirely free to the poor. The cost of such a building, which ought to be of a plain and ecclesiastical character, is estimated at 2,200 *l.* at least. The inhabitants are generally poor artisans.

However desirable it is to accomplish so important an object, it cannot be effected without the energetic support and liberal pecuniary contributions of the Christian public. To them the earnest appeal is made, both for the building, and a small endowment to it, in the humble confidence that such an appeal, under God, will not be made in vain.

It is hoped that this statement may also meet the eye of some benevolent individual, who, though not immediately connected with, yet feels an interest in the moral and religious state of the county and town of Newcastle-upon-Tyne, and that such may be induced to lend their countenance and support to so valuable an object.

EXTRACT of a Letter from a Clergyman in the neighbourhood of Newcastle to the Bishop of *Durham*, on a proposal for erecting and endowing a New District Church in that Town.

"I HAVE seen Mr. John Clayton this morning on the subject of these new churches, and I am emboldened by his approbation, which he allows me to state to your Lordship, to mention a plan which has long appeared to me desirable. I mean, that your Lordship should decidedly and openly recommend the annexing a prebend of Durham, as an endowment of a new district church in Newcastle; the patronage to be vested in your Lordship, and your successors, Bishops of Durham; and the district to be marked out by proper and impartial persons. Unless I am much mistaken, such a proposal would come with peculiar effect and propriety from your Lordship, and would be hailed by the approbation of reasonable men of all parties. Let the subscriptions be employed to build a church and a parsonage-house, and a stipend of 1,200 *l.* or 1,500 *l.* per annum would go far to ensure the acceptance from a first-rate man, in the prime of life, of a situation which at the best must be full of labours and difficulties.

"Your Lordship must be aware that the provision for the clergy in Newcastle is a starving allowance. The vicarage on the last vacancy was offered to two, if not three gentlemen, who declined it; indeed, it might be very well to annex a prebend of Carlisle to the vicarage. Unless I am over-sanguine, many persons who are now at opposition with each other would unite in carrying this plan into effect; your Lordship's authority would prevent unseemly strifes, and plans would be tacitly abandoned; what was done, would be according to ecclesiastical order and discipline, and a redistribution of Church revenues would be made without violence, and retaining them within the diocese, for a purpose which all churchmen must allow is not only useful, but called for by public opinion, and under all the circumstances necessary."

To the Ecclesiastical Commissioners for *England*.

The MEMORIAL of the Council of the Borough of *Newcastle-upon-Tyne*,

Sheweth,

THAT your memorialists are informed that you have at your disposal certain funds of considerable amount, arising from a new arrangement of the income of the Deanery and Prebends of Durham, and that the religious wants of the diocese of Durham are considered to have a preferable claim on these funds.

That in this large and increasing town, with a population, it is believed, of nearly 70,000 persons, a large proportion of whom are of the working classes, there are only four parish churches: and the emoluments of the incumbents, as we are informed, do not in the aggregate amount to more than 1,400 *l.* per annum, from which the salaries of six assistant curates are to be deducted.

That there are besides three chapels of ease and several places of worship, the duty in which is provided for by the parochial clergy, with the exception of one chapel, to which a stipend of 90 *l.* a year is attached, but which stipend will cease on the death of the present incumbent.

That there is one new chapel of ease in course of erection, and two others projected, which must be wholly supported by pew-rents and voluntary contributions.

That under these circumstances your memorialists are persuaded there cannot well be presented a stronger claim to your favourable consideration than is now offered for additional support to so large a body of the working clergy, whether you regard the extent of their duty or the very small remuneration they at present receive.

Your memorialists therefore entreat your Honourable Board to make such a grant from the aforesaid funds, in aid of the working clergy of this town, as the necessities of the case may be found to require.

And your memorialists, as in duty bound, will ever pray, &c.

Given under the common seal of the Corporation of Newcastle-upon-Tyne, this 14th day of April 1841.

(signed) *John Ridley*, Mayor.

LETTER from the Rev. *R. C. Coxe* to the Secretary.

Sir, 2 July 1841.

IN obedience to a suggestion of the Bishop of Durham, I venture to request that you will submit the accompanying paper to the notice of the Ecclesiastical Commissioners at their next meeting.

Minute information respecting the perpetual curacies was transmitted to the Commissioners in October last.

(signed) *R. C. Coxe*,
Vicar of Newcastle-upon-Tyne.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Newcastle-upon-Tyne, St. Nicholas Vicarage, &c.

PAPER referred to in the foregoing Letter.

Vicarage, Newcastle-on-Tyne,
2 July 1841.

THE Rev. Richard Charles Coxe, M.A., Vicar of Newcastle-upon-Tyne, in the diocese of Durham, respectfully solicits the attention of the Ecclesiastical Commissioners to the following statement:—

The Vicarage of Newcastle-upon-Tyne comprehends the parishes of St. Nicholas and Gosforth, with the parochial chapelries of St. John, St. Andrew, and All Saints. The population and income of each may be thus stated, viz.:

	Population.	Gross Income.	Curate's Salary.	Net Income.	Net Income of Vicarage.
		£.	£.	£.	£.
St. Nicholas - - -	6,320	550	100	450	
with Gosforth, about - -	3,700	45	100	Deficit 65	385
					Net income of perpetual curacies.
St John's - - -	22,452	318	290	28	St. John's - £. 28
St. Andrew's - -	15,123	250	180	70	St. Andrew's - 70
All Saints - - -	27,946	333	100	233	All Saints - - 233

In this last perpetual curacy stands the chapel of St. Anne, to the minister of which the corporation of Newcastle now make an annual grant of 100 *l.*; but at the death of the present incumbent, a very old man, this grant will be withdrawn, and the chapel, with an endowment of 10 *l.* per annum, will fall upon the hands of the vicar, thereby reducing his net income to the sum of 285 *l.* per annum.

The population of the town during the last 10 years has increased most rapidly, the value of the vicarage decreasing in like proportion; garden-ground, &c., which once paid tithe, being now covered over by houses which pay nothing.

If regard be had as well to the scale of income as to the duties and responsibilities of the several incumbents applying for assistance, it is presumed that the position and condition of the clergy of Newcastle-upon-Tyne will exhibit a case that will not be undeserving the early attention of the Commissioners.

To the judgment of the Commissioners, therefore, the vicar and clergy of Newcastle would confidently, but most respectfully, commit themselves.

LETTER from the Bishop of *Durham* to the Secretary.

My dear Sir, Auckland Castle, 3 July 1841.

HAVING presented, through you, to the Ecclesiastical Commissioners, a memorial from the corporation of Newcastle on the miserable pittance of spiritual instruction, miserably paid, for the vast population of Newcastle, and having at other times stated my conviction of the necessity of increasing it largely; still I was desirous of obtaining further information, and impressing, if possible, more strongly upon them the urgency of the case. I desired, some time ago, Mr. Walker, then an indefatigable curate there, to give me as exact a state of the case as lay in his power, and have been anxious to get the last and most accurate account from the excellent vicar of that place. My communication to him appears to have been delayed, and therefore the account is not so well digested as I could have wished. But, not to lose more time, I send both Mr. Walker's report and the vicar's supplement; and I beg you most earnestly, in my name, to call the attention of the Commissioners to the subject, entreating them to consider whether, with the just claims of the Diocese upon any surplus funds arising from the revenues of the Dean and Chapter, they can possibly employ them more beneficially to the Church, or more fairly, as regards the sources from which these revenues arise, than by making a considerable addition to the scanty income possessed by the vicar of Newcastle and the ministers of the district parishes there.

I am obliged to write in great haste, as I am anxious you should have as much time as possible to collect and digest the different representations on this very important question.

(signed) *E. Dunelm.*

LETTER from the Rev. *R. C. Coxe* to the Bishop of *Durham*.

My Lord, Vicarage, Newcastle, 2 July 1841.

FROM some cause or other, your Lordship's communication, dated 29th June, did not reach me until yesterday afternoon. Press of time, therefore, must be my excuse for returning merely Mr. Walker's letter, corrected, instead of drawing out a fresh schedule. I have the less compunction in doing this, however, inasmuch as that I have ascertained that information the most minute respecting the chapelries of St. John's and St. Andrew's is already in the hands of the Commissioners, having been furnished in October last. The principal new feature is the great increase of the population, as exhibited by the census just completed, which gives us about 72,000 souls, being an increase of 29,000 since the census of 1831.

The present census having been taken by the very perplexing district system, I cannot assign to each chapelry its exact share, but imagine that the gross amount of increase may be pretty equally divided between the three; St. Nicholas itself having experienced but little alteration. The increase of St. John's I can fix positively at 9,256.

(signed) *R. C. Coxe.*

LETTER from the Rev. *G. A. Walker* to the Bishop of *Durham*.

My Lord, Newcastle-on-Tyne, 9 October 1839.

I HAVE the honour to forward the statement respecting the church accommodation, &c. of this town, which your Lordship mentioned to me last week. I trust that the schedule annexed will contain all the information on the subject that your Lordship's purpose may require. Should it not be sufficiently full or explicit, I shall feel much honoured in making such additions or explanations as may be satisfactory to your Lordship.

(signed) *G. A. Walker.*

PARISHES.	Population.	Churches.	Number of Sittings.	Clergy.	Stipends.	EXPLANATORY REMARKS.
					£.	
t. Nicholas-with-Gosforth.	10,546	St. Nicholas - -	1,000	J. Dodd, Vicar of Newcastle	450	Of this 40*l.* is paid by the corporation, which will cease with the present vicar; upwards of 100*l.* is paid out of this 450*l.* to curates.
				R. W. J. Jones, Curate -	100	By the vicar and by fees.
				J. Reed, Lecturer - -	100	The lecturer's salary is paid by the corporation, and ceases with Mr. Reed.
		Gosforth - -	557	T. Ridley, Curate - -	100	By the vicar.
ll Saints - -	25,000	All Saints - -	1,340	R. Green, Curate - -	333	By fees and Queen Anne's Bounty; out of this 333*l.* the sub-curate is paid.
				T. White, Sub-curate -	100	
				E. Moises, Lecturer - -	sum uncertain	Raised by voluntary contribution.
		St. Ann's - -	500	Mr. Manners, Curate -	110	Out of this he pays his sub-curate; 90*l.* of this 110*l.* is paid by the corporation, and ceases with the present curate, now a very old man.
				J. Pearson, Sub-curate -	50	
		Bosket - -	1,200	- - - - - -	- - -	Not yet built; no endowment.
t. John's - -	16,000	St. John's - -	1,400	H. Wright, Curate - -	244	By fees and Queen Anne's Bounty; out of this 244*l.* the sub-curate is paid.
				W. Maughan, Sub-curate -	100	
				G. Heslop, Assistant Curate	100	Paid by the Pastoral Aid Society.
				(vacant), Lecturer - -	sum uncertain	Raised by voluntary contributions.
		Benwell - -	633	E. King, Curate - -	65	From pew-rents and subscriptions.
		Scotswood Road -	1,000	- - - - - -	- - -	Not yet built; no endowment.
t. Andrew's -	16,500	St. Andrew's -	1,600	W. Dodd, Curate - -	227	By fees and Queen Anne's Bounty; out of this 227*l.* the sub-curate is paid.
				F. R. Simpson, Sub-curate -	100	
				A. T. Burrough, Asst. Curate	80	Paid by the additional Curate Society.
				R. W. L. Jones, Lecturer -	sum uncertain	Raised by voluntary contributions.
		Ellison-place -	1,100	- - - - - -	- - -	Not yet built; no endowment.
		St. Thomas Hospital Chapel.	1,600	R. Clayton, Chaplain -	- - -	This is a consecrated building, and its ministers are ordained clergymen, but they are not under Episcopal jurisdiction. The patronage is in the appointment of the Corporation, who appoints the master, who must be M.A. at least, and he nominates the chaplain. Mr. R. Clayton is master and chaplain.
				E. Hall, Deputy Chaplain.		

		£.
There are also a Gaol Chaplain - -	Mr. Delamar, salary - -	100
a Barrack Chaplain -	Mr. W. Wood, salary - -	60
an Infirmary Chaplain -	Mr. Wood, salary - -	30
a Trinity House Chaplain	Mr. Green, salary - -	20

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Newcastle-upon-Tyne, St. Nicholas Vicarage, &c.

LETTER from the Rev. *R. C. Coxe* to the Secretary.

Sir, Vicarage, Newcastle, 19 August 1841.

I SHALL be greatly obliged if you could inform me what answer, if any, the Ecclesiastical Commissioners are likely to return to a memorial, some time since presented by the corporation of Newcastle-upon-Tyne, on behalf of the perpetual curacies in that town.

I am prepared to make application in another form (as invited by themselves) for certain of our townships, but feel a delicacy about opening new ground until some reply has been made to my former appeal.

(signed) *R. C. Coxe.*

LETTER from *John Clayton*, Esq., to the Ecclesiastical Commissioners for England.

My Lords and Gentlemen, Newcastle-upon-Tyne, 7 May 1844.

I HAVE the honour to transmit to you a memorial of the mayor, aldermen, and burgesses of this borough, for a grant from the surplus revenues of the diocese of Durham, in augmentation of the living of the vicarage of Newcastle-upon-Tyne.

(signed) *J. Clayton*, Town Clerk.

To the Ecclesiastical Commissioners for England.

The MEMORIAL of the Mayor, Aldermen and Burgesses of the Borough of *Newcastle-upon-Tyne*,

Sheweth,

THAT the vicarage of Newcastle-upon-Tyne includes the whole of the borough and county of Newcastle-upon-Tyne, and a portion of the county of Northumberland, contains a population of about 73,000 souls, and comprehends the mother church and parish of St. Nicholas, with the church and parish of Gosforth, containing together about 10,000 souls, (the churches being three miles asunder, and both under the immediate care of the vicar), and three subordinate parishes or parochial chapelries, which are now perpetual curacies in the patronage of the vicar; viz.

1st. All Saints, with the district chapelry of St. Ann.

2d. St. John, with the district chapelry of Benwell, and the chapel of St. Paul's.

3d. St. Andrew's, with the district chapelry of St. Peter's.

That Newcastle-upon-Tyne, the largest and most important town in the diocese of Durham, and possessing property in shipping second only in extent to the Port of London, is the centre of a populous mining district, extending beyond the bounds of the vicarage, and is looked up to by the vast population of the district as its guide and stay.

That the vicar of Newcastle, besides being the head of the clergy in a populous and wealthy town, is for many public purposes looked up to by a district, extensive, populous, and varied in its relations and interests, and his position is therefore such, that whilst it affords the most ample scope for the exercise of an influence of beneficial tendency to the town and districts, and to society at large, yet it entails upon the individual many and heavy claims for personal exertion and pecuniary assistance.

That for many years the income of the vicarage has been declining, so that whilst in 1815 it amounted to 1,020 *l.*, the average receipts for the years 1841-2-3 did not exceed 554 *l.*; over and above this there is a dwelling-house used as a vicarage, but it is in a state of considerable dilapidation, and would require a large sum to be expended upon it to make it a comfortable and sufficient residence.

That of the above annual income 160 *l.* are absorbed by curates' stipends, and about 30 *l.* by rates and taxes on the vicarage-house.

That the causes which have led to the decrease of income above mentioned would appear to be the following:

1. The withdrawal of certain pecuniary grants formerly made by the corporation, but now no longer allowable under the new Municipal Act.

2. The extinction of garden tithes by the rapid increase of buildings about the suburbs.

3. The loss of fees in vaults and monuments occasioned by the formation and use of cemeteries. And,

4. The diminution of other fees payable to the vicar caused by the extensive subdivision of the mother parish.

Whilst

Whilst it is not probable that the impoverishing effects of any of these causes should be mitigated, it is evident that the three last of them must continue to operate to the still further prejudice of the vicarial resources; and in reference to the first of them the vicar, upon a vacancy occurring in the office of afternoon lecturer, which is now provided with a stipend of 100 *l.* per annum out of the corporate funds, will be obliged, in consequence of the operation of the Municipal Act, out of his own means to provide an officiating minister for the performance of that duty; so that a post in the Church which requires for the discharge of its duties an incumbent of no ordinary qualifications, and entails far more than an ordinary share of ministerial responsibility, now offers a remuneration quite inadequate to the necessities of the case, and one which will shortly be of greatly diminished amount.

That it need not be urged upon the attention of the Commissioners the insuperable difficulties which so inadequate a provision, netting on the average of the last three years about 365 *l.*, must place in the way of an incumbent so circumstanced as is the vicar of Newcastle; compelled to act a prominent part in a vast sphere of duty, sharing of necessity in the expenses of the sick, while contributing towards the wants of the poor, summoned by the spirit of the times to more marked and emphatic exertion, and constrained to concentrate and confine his energies to professional objects, it is evident that if unsupported by ample private means he must either evade the heavy responsibilities that press upon him, or encounter them for a while with the full conviction that a brief career of public duty will terminate in his own ruin.

That about 40,000 *l.* per annum are derived to the Ecclesiastical Commission from the surplus revenues of the diocese of Durham.

Your memorialists therefore earnestly solicit your particular attention to the facts above stated, to the strong claim arising therefrom which the vicarage of Newcastle has upon the Commission for a permanent augmentation of its income from the surplus revenues of the diocese; and they humbly pray that you will be pleased to order such augmentation as upon inquiry you may deem to be commensurate with the urgency of the case.

And your memorialists will ever pray, &c.

Given under the common seal of the said mayor, aldermen, and burgesses this 1st day of May 1844.

(signed) *John Fye*, Mayor (L.S.)

LETTER from the Bishop of *Durham* to the Secretary.

4, Upper Portland-place, 19 May 1844.

EXTRACT.

"THE copy of a memorial from the mayor and corporation of Newcastle has been sent to me, and it is needless for me to say that, if it be practicable in any way, I should rejoice to have the vicarage of Newcastle augmented considerably; I wish, however, to call your attention to some particulars connected with this most important but wretchedly endowed piece of preferment.

"You are aware that it is not in the patronage of the Bishop of Durham, but of the Bishop of Carlisle, and that the great tithes of the parish of St. Nicholas belong to the See of Carlisle, being, as I have heard, under lease to Sir Matthew W. Ridley.

"Whether such tithes, or a portion of them, could be made over to the vicar of St. Nicholas and the Bishop compensated by any funds at the disposal of the Commissioners, I am unable to determine.

"But it should be known that a vast number of cows are kept on the town moor of Newcastle, the tithes of which are said legally to belong to the vicar, and to be of great value; but I know that the late vicar, though satisfied as to his right, was afraid to claim it, on account of the popular odium which it would create. I suspect too that the present vicar is deterred, in like manner, by unwillingness to provoke dissension with his parishioners.

"I rather think that the commutation of tithes is now going on at Newcastle, and that the Assistant Tithe Commissioner has had his attention directed to what I am stating. I do not know whether any communication could be made with propriety to the Tithe Commissioners on the subject."

Extract from Report of Estates' Committee, Tuesday, 21 May 1844.

Confirmed same day.

"The committee have had under consideration the memorial from the corporation of the borough of Newcastle-upon-Tyne referred to them by the last general meeting, and are of opinion that, consistently with the standing resolutions of the Board, the case is not one in which the Commissioners can render any assistance."

Letter from the Secretary to *John Clayton*, Esq.

Sir, Whitehall-place, 31 May 1844.

The memorial of the Corporation of Newcastle-upon-Tyne, praying for an augmentation out of the revenues of the diocese of Durham of the income of the vicarage of Newcastle-upon-Tyne, having been laid before the Ecclesiastical Commissioners for England, I am directed to express their regret that this is not a case in which they can render assistance.

(signed) *C. K. Murray.*

Letter from *Henry Ingledew*, Esq., to the Secretary.

Sir, Newcastle-upon-Tyne, 11 June 1844.

On behalf of the petitioners, I beg leave to forward to you the memorial of the two Members of Parliament for the borough of Newcastle-upon-Tyne, and of about 900 other persons interested in the district forming the vicarage of Newcastle, to the Ecclesiastical Commissioners, praying for an inquiry into the present state and future prospects of the vicarage as to its income and expenditure, and for an augmentation of its income.

(signed) *Henry Ingledew.*

To the Ecclesiastical Commissioners for England.

The Memorial of the undersigned, Members of Parliament, Justices of the Peace, and other Persons interested in the district forming the Vicarage of Newcastle-upon-Tyne,

Sheweth,

That the vicarage of Newcastle-upon-Tyne is the most important parochial district within the diocese of Durham; it comprises the whole of the borough and county of Newcastle-upon-Tyne, and a portion of the county of Northumberland; it contains a population of about 73,000 persons, and it comprehends the parish of St. Nicholas, four parochial chapelries, and three district chapelries.

That the parish of St. Nicholas and one of the parochial chapelries (Gosforth), whose churches are three miles asunder, and containing together a population of about 10,000 persons, are under the immediate care of the vicar.

That your memorialists have been informed and believe that the vicar's income from his vicarage, after providing for two curates, does not exceed 365*l.* per annum.

That on the next vacancy in the office of afternoon lecturer of the church of St. Nicholas, whose stipend of 100*l.* per annum is now paid by the corporation of Newcastle, the vicar will be required to provide for that service, the Municipal Act not authorising the corporation to continue such payment.

That the vicarage-house being old and dilapidated, the vicar is subject to a considerable annual expenditure in keeping it in repair.

That from the position of the vicar of Newcastle, in a large and populous town and district, the calls upon him in aid of public and private charities are frequent, numerous, and urgent, and his expenditure in other respects is unavoidably large.

That

That after such deductions from his income, your memorialists believe that a very small and obviously inadequate sum remains applicable to the maintenance of the vicar and his family.

That your memorialists have been informed that the Ecclesiastical Commission derives upwards of 40,000 *l.* per annum from the diocese of Durham.

Wherefore your memorialists pray that you will be pleased to cause an inquiry to be made into the present state and future prospects of the vicarage of Newcastle as to its income and expenditure, and that if its poverty shall be found to be such as is above described, you will be pleased to augment its income out of the surplus revenues of the diocese of Durham under your control, to such extent as you shall deem adequate.

And your memorialists shall ever pray, &c.

[Here follow 866 signatures.]

Letter from the Secretary to *Henry Ingledew*, Esq.

Sir, Whitehall-place, 10 July 1844.

The memorial of the Members of Parliament, Justices of the Peace, and others, of the borough of Newcastle-upon-Tyne, respecting the vicarage thereof, transmitted by you on the 11th ultimo, having been laid before the Ecclesiastical Commissioners for England, I am directed to express their regret that this is not a case in which they can render any assistance.

(signed) *C. K. Murray.*

To the Ecclesiastical Commissioners for *England.*

The humble Petition of the undersigned Church and Chapelwardens of Parishes and Chapelries within the Vicarage of Newcastle-upon-Tyne,

Sheweth,

That your petitioners have had an opportunity of perusing and considering the statements and allegations made by the mayor, aldermen, and burgesses of Newcastle-upon-Tyne, in their memorial lately presented to your body on the subject of the income of the vicar of Newcastle-upon-Tyne, and the poverty of the vicarage.

That from the inquiries they have made, your petitioners are satisfied that those statements and allegations are true in every particular.

That your petitioners conceive that such a state of things should not exist, especially in the diocese of Durham, from which the Ecclesiastical Commission derives, as your petitioners have been informed, upwards of 40,000 *l.* per annum.

Wherefore your petitioners humbly pray, that you will be pleased to take the case of the vicar of Newcastle into consideration, and comply with the prayer of the memorial above referred to.

And your petitioners shall ever pray, &c.

(Here follow 13 signatures).

Letter from the Bishop of *Durham* to the Secretary.

Dear Sir, 4, Upper Portland-place, 10 July 1846.

You will perceive that I am requested by the mayor, and a numerous body of the most respectable inhabitants of Newcastle, to lay before the Ecclesiastical Commissioners the enclosed copy of a memorial, which they felt themselves called upon to send to the Bishop of Carlisle, who is, I believe, impropriator of the tithes of Newcastle.

I have seen his Lordship's answer, in which he expresses his fear that, in the present state of the law, the Ecclesiastical Commissioners have it not in their power to gratify the wishes of the memorialists. But I avail myself of the opportunity to call the attention of the Ecclesiastical Commissioners to the very important subject of making a suitable provision for the incumbents of large and populous towns, where incomes, it is well known, very often fall short of a decent provision for any clergyman.

I would respectfully beg the Commissioners to consider whether it may not be very desirable for them to obtain from Parliament a power to increase livings beyond the amount of 300 *l.*, to which amount, I believe, the law now restricts them. I am sure the Commissioners will agree with me that it is highly important for clergymen, placed in the very responsible and arduous situation of incumbents of places like Newcastle, Berwick, Sunder-

land, Hartlepool, and Stockton, (and in other dioceses there are, no doubt, cases of equal hardship), to have such incomes as may enable them to provide for the claims of their own families without anxiety, as well as to be the dispensers of good to their parishioners. To the possession of such a power I cannot anticipate any objection, because the Commissioners will always be at liberty to consider, in any case submitted to them, whether and to what extent it be expedient to exercise the power.

(signed) *E. Dunelm.*

LETTER from *H. Headlam,* Esq., to the Bishop of *Durham.*

My Lord, Newcastle-upon-Tyne, 7 July 1846.

I HAVE forwarded to the Bishop of Carlisle a memorial, signed by 600 principal inhabitants of this town, representing the inadequate endowment of the very important vicarage of Newcastle. I have also been desired to forward a copy of the said memorial to your Lordship, requesting that you will please to lay it before the Ecclesiastical Commissioners, in order that they may consider whether it be in their power to make any increase to the vicar's endowment, or empower the Bishop of Carlisle to do so; and whether it be compatible with any arrangements in their power to transfer the patronage of Newcastle-upon-Tyne to the Bishop of Durham.

(signed) *H. Headlam,* Mayor.

To the Honourable and Right Reverend the Lord Bishop of *Carlisle.*

The MEMORIAL of the undersigned Inhabitants of *Newcastle-upon-Tyne,*

Humbly Sheweth,

THAT your memorialists were much gratified by the appointment made by your Lordship of the Rev. R. C. Coxe to the vicarage of this town, being assured that he was a gentleman of high character and sound religious principles.

That subsequent experience has confirmed the favourable impression made by their first intercourse with the vicar, and your memorialists cannot too strongly express their admiration of the manner in which he fulfils the religious and social duties of his important station.

That your memorialists have learnt with regret, that the income attached to the vicarage has been of late years much diminished, and that the net receipts at present do not amount to 300 *l.* a year; a sum totally inadequate to maintain a family in that rank in which a clergyman in the most important and influential office in the town is expected to move.

That fearing the inadequacy of the means would render it impossible for the vicar to retain his present appointment, and that the town would lose the advantage of having so excellent a minister of religion, several of the inhabitants exerted themselves to obtain a voluntary Easter offering, in the hope that Mr. Coxe would be induced to remain, and that in the meantime some additional source of income might be added to the vicarage.

That a voluntary Easter offering of considerable amount was in consequence obtained and presented to the vicar at Easter last year, and a similar offering was made in the present year; thus testifying the high respect in which the vicar is held by the inhabitants.

That, however, a frequent repetition of such offerings cannot be expected, and your memorialists, as a matter of course, look to a considerable diminution in subsequent years.

That the office of vicar, being the highest clerical appointment in this town, ought to be filled by a clergyman of high character, learning, and talent, fitted to take the lead in all matters relating to the religious and moral welfare of the inhabitants, so as to command their respect and confidence.

That your memorialists submit to your Lordship, without reference to the present incumbent, that the office requires a much better provision than it possesses, and taking into consideration the connexion of this parish with the see of Carlisle, they confidently hope for your Lordship's assistance in forwarding the augmentation of the income of the vicar of Newcastle from some proper ecclesiastical source.

Your memorialists, therefore, humbly but earnestly entreat of your Lordship to take such measures as shall be necessary for the accomplishment of the desirable object of obtaining for the vicar of this populous and important town a permanent income of adequate amount.

And your memorialists, as in duty bound, will ever pray, &c.

Signed by the Mayor of Newcastle, and 600 of the principal gentry, merchants, and tradesmen.

LETTER from the Assistant Secretary to the Lord Bishop of *Durham*.

My Lord, Whitehall-place, 17 July 1846.

MR. MURRAY having handed to me your Lordship's letter of the 10th instant, enclosing a letter from the Mayor of Newcastle, and a copy of a memorial from the inhabitants of Newcastle to the Bishop of Carlisle, I have the honour to inform you, that I will submit the case to the Board on Wednesday next, though I fear that the evil complained of cannot be remedied without the aid of Parliament, as suggested by your Lordship.

(signed) *J. J. Chalk.*

EXTRACT from Minutes of General Meeting, held Wednesday, 22 July 1846.

Confirmed 29 July 1846.

READ a letter from the Bishop of Durham, enclosing a copy of a memorial from the mayor and principal inhabitants of Newcastle-upon-Tyne to the Bishop of Carlisle, as patron of the vicarage of Newcastle, setting forth the necessity for an augmentation of the income of the living, the present amount of which does not exceed 300 *l.*

Resolved, That the Commissioners have no authority to aid the objects of the memorialists.

LETTER from the Assistant Secretary to the Bishop of *Durham*.

My Lord, Whitehall-place, 30 July 1846.

HAVING submitted to the Ecclesiastical Commissioners for England your Lordship's letter of the 10th instant, enclosing a copy of a petition from the mayor and inhabitants of Newcastle-upon-Tyne to the Bishop of Carlisle, I am directed to inform you that the Commissioners regret that it is not in their power to forward the object of the memorialists, by making a grant in augmentation of the income of the vicar of Newcastle.

(signed) *J. J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the SPIRITUAL DESTITUTION of the DIOCESE of DURHAM.

LETTER from *J. R. Mowbray*, Esq., M. P., to the Ecclesiastical Commissioners of England.

19, Cambridge-square, Hyde-park,

My Lords and Gentleman, 10 July 1854.

I HAVE the honour of forwarding herewith a memorial very numerously signed by the (late) Lord Lieutenant of the county of Durham, the Duke of Cleveland, and a great proportion of the influential laymen of the county of Durham, relative to the ecclesiastical revenues and the spiritual wants of the diocese of Durham; and on behalf of the memorialists, I earnestly solicit the favourable consideration of the Ecclesiastical Commissioners to the within memorial.

(signed) *J. R. Mowbray.*

To Her Majesty's Ecclesiastical Commissioners for England.

The Memorial of the Nobility, Gentry, and others of the County of Durham, whose Names are underwritten,

Sheweth,

YOUR memorialists being informed that a scheme is under the consideration of your Right honourable Board to the effect of removing from the See of Durham a large portion of the patronage attached to the See, and transferring the same to other Sees, beg leave respectfully

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Durham Diocese.

Spiritual Destitution.

respectfully to invite your attention to the peculiar circumstances of the diocese of Durham, in the hope of arresting a measure injurious to the county interests, which they are bound to advocate.

They request your honourable Board to observe the vast increase in the population of Durham, which being at the beginning of this century something more than 160,000, now approaches 450,000 souls, scattered through parishes of great extent, and in many cases without adequate endowment.

Your Board will recognise in this fact the necessity, not hitherto sufficiently understood, of a division of parishes, and of the introduction of a large body of clergymen, fitted to and charged with the onerous duties which must attach to a district suddenly overwhelmed with a new population.

Your memorialists respectfully represent that clergymen engaged in such a field of labour have a just claim to be considered in the exercise of patronage; that the withdrawal of important preferment from the Bishopric of Durham must seriously affect their prospects; and that they are not likely to be regarded by a stranger to their merits and services in the same manner as by their diocesan.

Your memorialists will therefore earnestly desire that the patronage of all preferments now vested in the Bishop of Durham, within the diocese of Durham, be retained to the See, and not alienated to Bishops unconnected with this diocese.

And your memorialists further request, that none of the ecclesiastical revenues remaining to the diocese of Durham be taken away to other dioceses, until the spiritual wants of this diocese are fully supplied.

(signed) *Vane Londonderry*, Lord Lieutenant.

Cleveland.	*Vane.*	*H. Vane*, M. P.
Henry S. Liddell, M. P.		*Adolphus Vane*, M. P.
H. G. Liddell, M. P.		*Henry J. Baker Baker*, High Sheriff.
James Farrer, M. P.		*Wm. Eden*, J. P., D. L.
R. Duncombe Shafto, M. P.		*S. H. Aylmer*, J. P., D. L.
J. R. Mowbray, M. P.		*Thos. R. Grey*, J. P.
John Eden, J. P., D. L.		*Wm. Standish Standish*, J. P.
Robt. Henry Allan, J. P., D. L.		*Ralph Parr*, J. P., D. L.
Henry Jas. Ellis.		*Chris. M. Webster.*
Geo. P. Wilkinson, J. P., M. A.		*Thomas Burn*, jun., Sunderland.
R. Lambton Surtees, J. P., D. L.		*John Matteson*, Sunderland.
Percival S. Wilkinson, J. P.		*James Wartley*, J. P.
Richard Lawrence Pemberton, J. P., D. L.		*Robt. Fenwick.*
		H. Tanner, J. P.
S. W. Waldy, J. P., D. L.		*Chris. Bramwell*, J. P., D. L.
George John Scurfield.		*Charles Bulmer*, J. P.
Jos. Simpson, J. P.		*F. D. Johnson*, D. L.
Wm. R. Robinson, J. P., D. L.		*John Shields*, J. P.
Anthy. Wilkinson, J. P., D. L.		*Thos. Greenwell*, Barrister-at-law.
John Greenwell, J. P.		*John Burrell.*
Henry C. Blackett, J. P.		*W. E. Wooler.*
R. A. Douglas Gresley, J. P.		*W. L. Wharton*, J. P.
Marshall Furber, J. P., D. L.		*Wm. Henderson*, J. P.
Wm. Grey, J. P.		*R. Burden*, J. P., Chairman of Quarter Sessions.
R. H. Kernbysick, M. D.		
William Ord, J. P.		*John T. Elliot*, J. P.

Secretary to *J. R. Mowbray*, Esq., M. P.

Sir, Whitehall-place, 29 July 1854.

DURHAM BISHOPRIC.

THE Ecclesiastical Commissioners for England have had before them your letter of the 10th instant, transmitting a memorial, signed by yourself and certain of the nobility and gentry of the county of Durham, upon the subject of the contemplated re-arrangement, by the Commissioners, of the patronage belonging to this see, and also requesting that, in the application of the funds accruing to the Commissioners from the diocese of Durham, a preference may be shown to the local wants and requirements of that district; and, in reply, I am directed to convey to you, on behalf of the memorialists, an assurance that any arrangement for the re-distribution of episcopal patronage which the Commissioners may recommend to Her Majesty in Council will be made with the intention of complying, to the best of their ability, with the directions in that behalf contained in the 40th proposition of the first section of the Act 6 & 7 Will. 4, c. 77.

With

With reference to the other requests contained in the memorial, I am to call your attention and that of the memorialists to the statute 3 & 4 Vict. c. 113, from which you will perceive that the Legislature has determined the principle upon which the Ecclesiastical Commissioners should apply the funds accruing to them from the different Ecclesiastical Corporations.

When that measure was under discussion, the principle contended for by the memorialists was strongly urged; but Parliament decided against it, excepting only that by the 67th section of the Act it is provided, that "in making any additional provision for the cure of souls out of any tithes or lands, or other hereditaments allotted or assigned in lieu of tithes so vested or to be vested in the Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen."

You will thus perceive that the Commissioners cannot, consistently with the above provisions, select particular districts as having special claims for grants on the ground of their being within a diocese from which a large portion of the common fund is derived.

The Commissioners are fully aware of the strong claims which many of the parishes and districts in the diocese of Durham have upon that fund on account of large population and inadequate endowments; and those claims will be considered in common with similar ones in other dioceses, so soon as the fund is in a condition to justify the Commissioners in making further grants.

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the SPIRITUAL DESTITUTION of the Parishes of ST. MARGARET and ST. JOHN, WESTMINSTER, and the ENDOWMENT by the CHAPTER of WESTMINSTER of Vauxhall Bridge-road TRINITY PERPETUAL CURACY.

To the Ecclesiastical Commissioners for England.

The Memorial of the Dean and Chapter of Westminster, the Churchwardens, and undersigned Parishioners of St. Margaret and St. John, Westminster,

Sheweth,

THAT in the year 1835 the population of the united parishes of St. Margaret and St. John amounted to 50,000.

That there were then only two churches and one chapel, four parochial clergymen, and schools for 800 children.

That the late Sir Robert Peel (then First Minister of the Crown) was moved by the said facts to address your honourable Board in the following letter:

"My Lords and Gentlemen, "Whitehall, 4 February 1835.

"I FEEL it to be my duty to inform you that a vacancy having taken place in a prebendal stall at Westminster, I have advised his Majesty to suspend any appointment to that stall, until the circumstances connected with it can undergo the inquiry and consideration of the Commissioners of which you are members; and I have it in command from his Majesty to inform you, that he will be prepared, so far as the Royal prerogative is concerned, to make any arrangement with respect to this preferment which shall appear to the Commission best calculated to effect the important object for which the commission was appointed, and in the successful prosecution of which his Majesty takes the deepest interest.

(signed) "*Robert Peel.*"

That your honourable Board was thereby induced to recommend that two Canonries in the Collegiate Church of St. Peter, Westminster, should be annexed to the Rectories of St. Margaret and St. John, and that two-thirds of the income of each such Canonry should be applied to the endowment of the said rectories respectively; whilst the remaining third part of those Canonries should be assigned to the maintenance of additional clergymen to be appointed to new districts then defined.

That since that period funds have been raised in these parishes for the erection of additional churches and schools, so that in 1852 there are within the said parishes eight churches capable of accommodating 10,359 persons, and schools affording education in the principles of the Established Church to 3,952 children, and that one of the said churches, with schools and parsonage house attached, has been erected and endowed by private munificence.

That of these eight churches one is now ready for consecration, in the parish of St. John; its site having been given by Mr. Thomas Cubitt, and the expense of the building having been wholly borne by the Venerable Archdeacon Bentinck, Canon of Westminster.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Westminster; St. Margaret and St. John Parishes.

Spiritual Destitution.

That to each of the aforesaid new churches a district has been assigned and a clergyman appointed.

That in addition to these eight churches, a new church is now about to be commenced in the parish of St. Margaret.

That the portion of the two Rectorial Canonries applicable to the maintenance of the incumbents of the newly-erected churches in the districts first defined, is only sufficient to provide an average income of 164*l.*, as shown more particularly in the table annexed.

That the districts are inhabited chiefly by persons of the poorer classes; and that for the church now ready to be consecrated there is no endowment, nor any adequate means of obtaining it.

That the population within the said parishes is rapidly increasing, and additional churches are necessary.

That in the Ecclesiastical Duties and Revenues Act (3 & 4 Vict. c. 113, s. 67) it is laid down as a fundamental principle for regulating the application of revenues derived from capitular estates, that, in making provision for the spiritual necessities of districts requiring assistance, regard shall always be had to the wants of those districts from which such revenues accrue; and, although this provision refers specially to tithes, or lands and hereditaments assigned in lieu of tithes, yet it appears to be applicable by parity of reason to other sources of revenue; and inasmuch as the revenues of the Collegiate Church of Westminster are derived, in a considerable degree, from the City of Westminster, it would seem reasonable to conclude that if those revenues are diverted at all from their original destination, the parishes of Westminster have a paramount claim for spiritual benefit therefrom.

That although very large sums have been paid during the last 10 years, and will continue to be paid in an increasing ratio to your honourable Board, from the revenues of the Collegiate Church of Westminster, the parishes of Westminster have hitherto received very little aid from that source.

That your memorialists therefore earnestly commend the wants and the claims of the Church in the said parishes to the favourable consideration of your honourable Board, and humbly pray, that your honourable Board would determine, or (if a legislative enactment be necessary) would recommend to the Legislature, that such a portion of the revenues of the Deanery of Westminster, and of all canonries of the same church conferred subsequently to the 3 & 4 Vict., as may now or hereafter be reserved to your honourable Board, shall be applied to the endowment of those churches which have been or may hereafter be erected within the said parishes of St. Margaret and St. John, in such proportion as to your honourable Board may seem fit.

That the poor inhabitants of these parishes are an important class, whose instruction in the principles of religion is essential to the peace and order of the metropolis.

Your memorialists entertain a confident hope that your honourable Board will consider the said parishes as entitled to your special consideration, as well on account of what has been done as of what remains to be done, and that your honourable Board cannot be indifferent to the effect which a judicious concession to their memorial will have in the encouragement of further exertions by private individuals to promote the spiritual improvement of their fellow-subjects in a district of the metropolis whose large and increasing population may become useful or dangerous to the public weal, according to their spiritual instruction.

Your memorialists beg leave to appeal to the facts contained in the Tables annexed, in confirmation of the statements submitted to the consideration of your honourable Board in the present memorial.

TABLES annexed to MEMORIAL.

No. 1.

Population - - 50,000		Population - - 65,000	
1835.		1852.	
Church Room:		Church Room:	
St. Margaret - - - -	1,700	St. Margaret - - - -	1,700
Broadway Chapel - - -	1,000	Christ Church - - - -	1,250
St. John - - - - -	2,000	All Saints - - - - -	1,300
		St. John - - - - -	2,000
		St. Mary - - - - -	1,200
		St. Stephen - - - -	850
		St. Matthew - - - -	1,209
		Holy Trinity - - - -	850
			10,359
		Add St. Mark, when built - -	1,100
TOTAL Sittings - - -	4,700	TOTAL Sittings - - -	11,459

No. 2.

NUMBER OF PAROCHIAL CLERGYMEN.

1835:		1852:	
St. Margaret	2	St. Margaret	3
St. John	2	Christ Church	3
		All Saints	3
		Western district of St. Margaret	1
		St. John	3
		St. Mary	3
		St. Stephen	3
		St. Matthew	2
		District of Holy Trinity	1
TOTAL	4	TOTAL	22

No. 3.

NUMBER OF SCHOOLS AND SCHOLARS.

1835:			1852:		
	Schools.	Scholars.		Schools.	Scholars.
Central Schools: St. Margaret and St. John	2	500	Central Schools: St. Margaret and St. John	2	500
Tufton-street: St. Margaret and St. John	2	300	Tufton-street: St. Margaret and St. John	3	400
			Christ Church	3	700
			All Saints	2	180
			St. Mary	4	794
			St. Stephen	3	560
			Free School: St. Margaret and St. John	2	500
			St. Matthew, Pye-street	2	100
			St. Margaret Free School, Dacre-street	2	218
TOTAL	4	800	TOTAL	23	3,952

No. 4.

GLEBE HOUSES.

1835:		1852.	
St. Margaret	1	St. Margaret	1
St. John	1	St. John	1
		St. Mary	1
		St. Stephen	1
TOTAL	2	TOTAL	4

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Westminster; St. Margaret and St. John Parishes.

Spiritual Destitution.

No. 5.

AVERAGE ANNUAL INCOME of the Five New Districts endowed by 3 & 4 Vict.

	£.	
St. Mary - - - - -	205	with glebe-house
St. Matthew - - - -	205	no glebe-house.
Christ Church - - - -	170	„
Western district of St. Margaret -	170	„
All Saints - - - - -	70	„
	820	

Signed by the Sub-Dean of Westminster; the Churchwardens, and other Inhabitants of St. Margaret and St. John, Westminster.

LETTER from the Secretary to the Reverend *John Jennings*.

Dear Sir, Whitehall-place, 28 May 1852.

I HAVE, in compliance with the request contained in your letter of the 27th ultimo, submitted to the Ecclesiastical Commissioners for England the memorial from the Dean and Chapter of Westminster, and the churchwardens and parishioners of St. Margaret and St. John, Westminster, and am directed to assure you that the Commissioners fully appreciate the exertions which have been made for relieving the spiritual destitution in the above-named parishes, and to express to you their sincere regret that there is not at present at their disposal any fund out of which they can render assistance towards accomplishing this most important object.

In making this communication to you, I am to explain that the local claim conferred by the provision to which the memorial refers (3 & 4 Vict. c. 113, s. 67,) was, after a lengthened discussion in Parliament, specially limited to cases where the tithes of the parish, or land allotted in lieu thereof, might be actually vested in the Commissioners, and as this is not the case in Westminster, it does not possess any such local claim as would except it from the general rule which they have found it necessary to establish with respect to the suspension of grants.

I am further to observe, that in the specific appropriation of two canonries to the spiritual wants of the parishes in Westminster, the Legislature made for them, on consideration of their special claims, an extraordinary provision.

That part of the revenues of the Dean and Chapter of Westminster to which the Commissioners are entitled, is, as you are aware, carried to the Common Fund, and as, consistently with the fulfilment of the obligations legally imposed on them, the Commissioners have been for some time past unable to make additional grants out of that fund, they have been under the painful necessity of rejecting the applications of parishes whose claims, as regards population and spiritual destitution, are not inferior to those of Westminster; and they feel it, therefore, under these circumstances, out of their power, at present, to hold out an expectation of endowment for the churches built, or to be built, or the parishes within it.

(signed) *J. J. Chalk.*

LETTER from the Rev. the Lord *John Thynne* to the Bishop of *London*.

Cloisters, Westminster Abbey,

My Lord, 3 February 1853.

THE several new churches which, within a few years, have been erected in the parishes of St. Margaret's and St. John's, Westminster, are, with one exception, very inadequately endowed. One has no endowment whatever; they are in the midst of a large and poor population; the ministers have very laborious duties, and many demands upon their benevolence.

Application has been made to the Ecclesiastical Commissioners, as your Lordship knows, in behalf of these churches, but in vain. It is not now necessary to repeat the claims which were urged, or to allude to the reasons assigned for the rejection of them; but it may be surmised that possibly the memorial may have been considered with less favour by reason of its not being accompanied by an offer of the Dean and Chapter of Westminster to bear a part of the payment besought for the incumbents of these districts; although it should

should not be forgotten that they contributed largely towards the erection of the churches and the schools thereof. If such was the fact, it may be hoped that a plan for effecting the desired object will find more favour when the existing members of Chapter are willing to forego their right of renewal on the old system of lives, and to apply the rent to be obtained by the conversion of a lease for lives into one for 99 years, towards the endowment of their district churches.

What presses the subject into consideration at this time is, that one of the Canons of Westminster has munificently built a church in the parish of St. John's at his sole cost, the minister of which is at present maintained by a temporary grant from a voluntary association; another Canon has with great difficulty, by great exertion, lately completed a church in the midst of the poorest district of the same parish; and another Canon is at this time soliciting aid towards the erection of a church in a populous district of St. Margaret's, both which latter churches are inadequately endowed, and in districts so poor as to afford little hope of adequate maintenance of the ministers by them benefited by their ministry. Under these circumstances of pressing necessity, I submit the following proposition to your Lordship, for the consideration of the Ecclesiastical Commissioners.

The Dean and Chapter of Westminster are owners in fee of certain lands at Belsize, in the parish of Hampstead, most eligible for villa residences. The property has long been granted on leases for three lives, which have been renewed from time to time.

Upon the lapse of one life in one lease, the renewal was declined, and the lessee induced to take a building lease for 99 years at an annual rent.

The tenant of adjoining lands (40 acres) proposes the conversion of his lifehold into a similar leasehold, and the Dean and Chapter are not indisposed to accede to his request, hoping that the Ecclesiastical Commissioners will encourage them by consenting to the application of the revenue thus derived towards the endowment of the district churches of the two parishes of St. Margaret's and St. John's, and a church for which they would reserve a site on the lands so to be leased.

The surveyor of the Dean and Chapter values the property at a rental of 1,100 *l.* for 99 years.

Your Lordship will see that by this arrangement the personal sacrifice of the members of Chapter will be very considerable, and the loss to the future revenue of the Ecclesiastical Commissioners' Fund comparatively small; it being in the power of the Dean and Chapter to renew the lives as they lapse, and postpone the improvement of the estate to an indefinite time after the Chapter shall have ceased to possess much interest in the lease by reason of Acts hereafter to come into operation.

I entertain a deep sense of the claim upon the Church of Westminster to support those who have, with such liberality, patience, and perseverance, laid the foundation for so much good to man and glory to God; and I cannot but think that when your Lordship represents the claims of these churches, and directs the attention of the Commissioners to the means by which it is now proposed to meet them, they will be willing to concur with us in obtaining the requisite powers towards effecting the object desired, the details of which would be submitted to your Lordship for approval.

(signed) *J. Thynne,*
Sub-Dean of Westminster.

Letter from the Secretary to the Rev. the Lord *John Thynne.*

My Lord, Whitehall-place, 28 February 1853.

I have submitted to the Ecclesiastical Commissioners for England the communication addressed by your Lordship to the Bishop of London, setting forth the special circumstances and inadequate endowment of certain district churches in Westminster, and proposing that the proceeds of a contemplated building lease of a part of the Chapter property should be devoted to the augmentation of the incomes of such churches, and the endowment of a new church to be built on the estate; and I am directed to point out to your Lordship, that the Commissioners are at present entitled to above one-third of the net divisible corporate revenues of the Chapter, and that when that body shall consist of a Dean and six Canons, with incomes limited to the amounts contemplated by the Act 3 & 4 Vict. c. 113, the whole surplus beyond those incomes (being, in fact, considerably more than one half of the Chapter revenues) will belong to the Commissioners, and that therefore any annual sum appropriated in the manner proposed to the district churches in question, will at once as to one-third, and eventually as to the whole, fall on the Common Fund.

That the Commissioners have for some time past been unable, consistently with the obligations legally imposed on them, to make any additional grants out of the fund, and have therefore been obliged to reject the applications of parishes whose claims as regards population and spiritual destitution are not inferior to those of Westminster.

Under these circumstances, the Commissioners regret that they are compelled to adhere to the principle laid down in deciding on the proposal made by the Chapter in the early part of last year, to establish a special claim in favour of these churches on the Common Fund, and to state that they cannot acquiesce in the appropriation suggested.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Westminster; St. Margaret and St. John Parishes.

Spiritual Destitution.

With regard to the proposed reservation of a site for a church and parsonage on the estate, the Commissioners are prepared to approve the same, and would suggest to the Chapter that a district should, immediately on the completion of the lease (if granted), be constituted and endowed by the Chapter under the Act 6 & 7 Vict. c. 37, the income not to exceed 200*l.* per annum, and the patronage to be vested in the Chapter.

I should add, that the instructions to the surveyor appointed to report on the proposed lease have been suspended since the receipt by the Commissioners of the communication from your Lordship above referred to, and will of course remain so until the question as to whether the Chapter will proceed with the measure shall have been decided.

(signed) *James J. Chalk.*

LETTER from the Rev. the Lord *John Thynne* to the Ecclesiastical Commissioners for England.

Cloisters, Westminster Abbey, March 1853.

My Lords and Gentlemen,

I HAVE to acknowledge the receipt of the letter of your Secretary, dated February 28, relative to a proposal made by the Dean and Chapter of Westminster, for setting apart the rents to be derived from a contemplated building lease at Belsize, in the parish of Hampstead, for the endowment of a new church to be built on that estate, and also for a perpetual augmentation of the very inadequate endowments of certain ecclesiastical districts within the parishes of St. Margaret's and St. John's in the city of Westminster.

I have laid that letter before the Chapter of Westminster, and am requested to express the sentiments with which they have received that communication.

They are fully aware of the fact there stated, that by the operation of the 3 & 4 Vict. c. 113, above one-third of the corporate divisible revenues of the Collegiate Church of Westminster already pass to the Ecclesiastical Commissioners for the purposes of their trust, and that eventually, when the Chapter shall have been reduced to a Dean and six Canons, all subject to the regulations of that Act, more than one-half of the said revenues will be at the disposal of the Commissioners.

They readily admit, therefore, that while the endowment of the said churches from the income to be derived from the proposed building lease would be a sacrifice of all the interest of the existing and future members of the Chapter of Westminster in the proceeds of such lease, it would also involve a present surrender by the Ecclesiastical Commission of a third part, and ultimately of more than half, of the corporate interest in that lease. But they would respectfully represent that the Ecclesiastical Commission was originally formed for the express purpose of carrying out such designs as that now proposed, viz. for making better provision for the cure of souls, and that on this ground the present proposal appears to have a strong claim to favourable consideration.

The Dean and Chapter are also cognizant of the fact, that there are other parochial districts whose claims as regards population and spiritual destitution are not inferior to those of Westminster, and whose applications for aid have been rejected by your Board, from want of the requisite funds for their assistance. But the Dean and Chapter would here beg leave to observe, that while more than one-third of the divisible revenues of the collegiate church have already passed to the Commissioners for their administration, no portion whatever has been applied to the relief of the spiritual necessities of these districts, whence they have been in some measure derived, populous and poor though they be; and they would submit that in the present overture from them, there is something else of a peculiar character which appears to distinguish it from all other ordinary applications to your Board, and which the Chapter have been induced to believe would ensure for it special and favourable attention.

Their reason for this persuasion is, that by this proposition the existing members of the Chapter of Westminster have expressed their readiness to forego all their own personal interest in the contemplated lease, in order to obtain better endowments for the district churches in the parishes of St. Margaret's and St. John's, Westminster.

In the event of their offer being accepted, these districts will be provided with a suitable and permanent spiritual endowment, which will be effected by means of a comparatively far less sacrifice on your part, than would be made if the endowment of these poor and populous districts fell upon your funds, independently of such aid from the Chapter. But if this overture be rejected, that advantage will be lost.

If, also, your honourable Board should accept the proposal of the Dean and Chapter of Westminster, encouragement would then be given to other ecclesiastical bodies to make similar sacrifices of their own personal interests, in order to aid your Board in carrying out the important purposes for which the Commission exists, and thus the work of the Commissioners would be more expeditiously and more effectually performed, and with the most economy to your Board and to the Church.

But if, on the other hand, the Commissioners should resolve on the rejection of this overture, other ecclesiastical persons or bodies will be discouraged and deterred from tendering

dering such proposals, and thus the important work "of making better provision for the cure of souls" will be retarded; which the Dean and Chapter of Westminster, in common with the public at large, earnestly hope and believe that the Commissioners desire to accelerate.

In order, therefore, that nothing may be wanting on their part to promote a design of such magnitude and importance, especially for the moral and spiritual improvement of that portion of the Metropolis with which they are connected, and in order that other ecclesiastical bodies may be encouraged to follow a similar course, and to co-operate with your honourable Board in carrying out the important undertakings for which it was instituted, the Dean and Chapter of Westminster earnestly and respectfully request a reconsideration of the proposition which I have had the honour of submitting through the Lord Bishop of London.

As the lessee is desirous of obtaining his lease in order to commence building, I have to request your confirmation of the terms proposed, the particulars of which have been submitted for your approval.

(signed) *J. Thynne*,
Sub-Dean of Westminster.

LETTER from the Secretary to the Rev. the Lord *John Thynne*.

My Lord, Whitehall-place, 16 April 1853.

I HAVE laid before the Ecclesiastical Commissioners for England your letter on behalf of the Dean and Chapter of Westminster, requesting a reconsideration of the proposal for the appropriation of the proceeds of a building lease of a portion of the capitular property to the augmentation of certain district churches in Westminster, and stating additional reasons which, as the Chapter conceive, should induce the Commissioners to assent to the proposal; and I am directed to inform your Lordship, that the Board having maturely reconsidered all the circumstances of the case, cannot consent to vary their former decision upon this subject.

(signed) *James J. Chalk.*

LETTER from the Rev. the Lord *John Thynne* to the Ecclesiastical Commissioners for England.

Cloisters, Westminster Abbey,
My Lords and Gentlemen, 20 April 1853.

I AM in receipt of a letter from your Secretary, dated 16 April, communicating your decision upon the subject submitted to you for reconsideration in my letter of 5th March. It is a matter of deep regret to the Chapter of Westminster that you have not acceded to the proposal which I submitted to you on their behalf through the Bishop of London on the 3d of February last.

I am now instructed to apply for your consent to the endowment of the district church of the Holy Trinity, in the parish of St. John the Evangelist, Westminster, under the 6 & 7 Vict. c. 37, which is at present unprovided for.

Vauxhall Bridge Road, Trinity P. C.

It is proposed that the endowment shall be 250 *l.*, and that it shall be secured on the rent arising from the building lease for 99 years of certain lands at Belsize, in the parish of Hampstead, agreed to be granted to Charles James Palmer, esq., for the annual rent of 1,100 *l.* I am also instructed to communicate the acquiescence of the Dean and Chapter of Westminster in the "suggestion that a district should, immediately on the completion of the said lease, be constituted and endowed under the said Act" in the parish of Hampstead (a site for a church and parsonage on the estate being reserved), and that "the income shall be 200 *l.* per annum," secured on the rents of the said lease, and "the patronage be vested in the Dean and Chapter of Westminster."

(signed) *J. Thynne*,
Sub-Dean of Westminster.

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Westminster; St. Magaret and St. John Parishes.

Vauxhall Bridge Road, Trinity P. C.

LETTER from the Secretary to the Rev. the Lord *John Thynne.*

My Lord, Whitehall-place, 14 May 1853.

(TRINITY CHURCH, WESTMINSTER.)

I HAVE submitted to the Ecclesiastical Commissioners for England your Lordship's letter of the 20th ultimo, applying for their consent to the endowment of the above church, under the Act 6 & 7 Vict. c. 37, by a charge of 250 *l.* a year on the property at Belsize, Hampstead; and I am directed to acquaint you that the Commissioners are not indisposed to consent to an endowment to the church being made by the Chapter, to be charged on property in Westminster; but they do not think it would be expedient to charge, for this purpose, property lying in a parish with which the church in question is in no way connected.

I am further to explain to you, that, the church being already consecrated, the case does not fall within the provisions of the abovementioned Act, and that any endowment which may now be made must be effected under the Acts 1 & 2 Will. 4, c. 45, and 3 & 4 Vict. c. 113, s. 76.

(signed) *J. J. Chalk.*

LETTER from the Rev. the Lord *John Thynne* to the Ecclesiastical Commissioners for England.

My Lords and Gentlemen, Cloisters, Westminster, 21 May 1853.

I HAVE received a communication from your secretary, that you "are not indisposed to consent to an endowment of the church of the Holy Trinity, Westminster, being made by the Chapter, to be charged on property in Westminster, under 1 & 2 Will. 4, c. 45," and I submit to your Honourable Board that the said endowment (250 *l.* per annum) shall be charged upon the eight new houses now in course of building in the Broad Sanctuary.

I shall be glad to receive your sanction to this proposal, and your further instructions thereon.

(signed) *J. Thynne,*
Sub-Dean of Westminster.

EXTRACT from Report of the Estates' Committee, held Monday, 23 May 1853.

Adopted at General Meeting, held 26 May 1853.

THE committee have to report that, in conformity with the direction of the Board of the 28th ultimo, they have recently had under consideration the proposal by the Venerable Archdeacon Bentinck, to transfer to the Dean and Chapter of Westminster the patronage of the district church of Holy Trinity, Westminster, recently erected at his own expense; and also the proposal by the Chapter thereupon to assign to the said church an endowment of 250*l.*, to be secured upon the rent arising from a building lease of a portion of the capitular property situate at Belsize, Hampstead.

It appearing, however, to the committee inexpedient to charge for this purpose property lying in a parish with which the church in question is in no way connected, they directed the secretary to communicate to the Chapter the views of the committee upon the subject, with a suggestion as to the propriety of securing the endowment upon some portion of the capitular property situate in Westminster.

In this suggestion the Chapter have expressed their acquiescence, and they accordingly propose to charge the endowment upon certain new buildings now in course of erection in the Broad Sanctuary.

The committee find that the present income of the church is about 70*l.* per annum, arising principally from pew-rents, and the population of the district, 4,500; and they recommend to the Board that the proposed arrangement be approved generally, and that a scheme be prepared by the Commissioners for the transfer of the patronage accordingly, the augmentation being effected under the provisions of 1 & 2 Will. 4, c. 45, and 3 & 4 Vict. c. 113, s. 76.

LETTER from the Secretary to the Rev. the Lord *John Thynne.*

My Lord, Whitehall-place, 31 May 1853.

(TRINITY CHURCH, WESTMINSTER.)

THE Ecclesiastical Commissioners for England have had under consideration your letter of the 21st instant, in which it is proposed that the endowment of 250*l.* per annum for the above church should be charged upon certain new houses now in course of erection in the Broad Sanctuary; and I am directed to acquaint your Lordship that the Board approve of the arrangement, and that a scheme for effecting the transfer of the patronage of the church to the Dean and Chapter will forthwith be submitted to Her Majesty.

I shall be happy to receive the draft deed of endowment, for perusal, on behalf of the Commissioners, in anticipation of the scheme being ratified by Order in Council.

(signed) *J. J. Chalk.*

EXTRACT from Minutes of General Meeting, held Thursday, 9 June 1853.

A SCHEME for transferring to the Dean and Chapter of Westminster the patronage of the District Chapelry of Holy Trinity, Vauxhall Bridge Road, with a view to carrying out the arrangement for its endowment by the Chapter, out of their capitular revenues, was sealed, pursuant to the resolution of the last meeting.

LETTER from the Secretary to *G. G. Vincent,* Esq.

Sir, Whitehall-place, 21 June 1853.

(THE HOLY TRINITY CHURCH, VAUXHALL BRIDGE ROAD.)

I AM directed by the Ecclesiastical Commissioners for England to transmit to you the accompanying scheme, prepared by them for transferring the patronage of this church to the Dean and Chapter of Westminster, and I am to request that the scheme may be laid before the Dean and Chapter, with a view to their affixing their corporate seal thereto.

I am at the same time to request the favour of your procuring the signature and seal of the Sub-dean in behalf of the Dean.

I return the draft of the deed of endowment, approved on behalf of the Commissioners, as altered in red ink.

(signed) *J. J. Chalk.*

LETTER from *G. G. Vincent,* Esq., to the Secretary.

Sir, Sanctuary, Westminster, 12 December 1853.

HEREWITH I send you the deed of endowment of the church of the Holy Trinity, Vauxhall Bridge Road, for the seal of the Ecclesiastical Commissioners to be affixed thereto.

I likewise send you an examined copy of the deed, for the Ecclesiastical Commissioners, as you requested.

Please to return me the deed of endowment when the Commmissioners have put their seal.

(signed) *G. G. Vincent,*
Chapter Clerk.

LETTER from the Secretary to *G. G. Vincent,* Esq.

Sir, Whitehall-place, 23 December 1853.

(VAUXHALL BRIDGE ROAD, TRINITY P. C.)

I RETURN herewith the deed of endowment in this case, duly sealed by the Ecclesiastical Commissioners for England.

I also return the draft.

(signed) *J. J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Benefices, Districts, and New Parishes.

Mansfield Woodhouse P. C.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the Provision of a PARSONAGE HOUSE for the PERPETUAL CURACY of MANSFIELD WOODHOUSE.

LETTER from the Rev. *W. Goodacre* to the Secretary.

Sir, Sutton-in-Ashfield, 4 April 1853.

I SOLICIT the attention of the Commissioners for the Gally Knight Fund to my parish of Mansfield Woodhouse, and crave their help, according to the declared regulations, for erecting a parsonage-house.

The living was given to me, 33 years ago, by his Grace the Duke of Portland, as lessee under the Dean of Lincoln.

The value of the living to me is 91*l.*, with perhaps 5*l.* more as surplice fees.

The population in 1851 was 1,972, probably now above 2,000, as there is considerable building going on, and there are at least ten houses more occupied now than in 1851.

There is no parsonage-house whatever. I live in the parish of Sutton-in-Ashfield, four miles distant, but have a curate living in Mansfield Woodhouse.

Report says some recent arrangements have been made between the Ecclesiastical Commissioners and the Duke of Portland. This you will know, though I know not.

Mansfield Woodhouse is a place in which the late Mr. Knight had formerly much property, and to the place I believe had an attachment.

Your attention will oblige, Sir,

(signed) *Wm. Goodacre.*

LETTER from the Secretary to the Rev. *W. Goodacre.*

Sir, Whitehall-place, 3 May 1853.

MANSFIELD WOODHOUSE PERPETUAL CURACY.

I HAVE submitted to the Ecclesiastical Commissioners for England your application of the 4th ultimo, for a grant towards providing a parsonage-house for this living, on the ground of local claim upon the moneys received by the Ecclesiastical Commissioners for England for the reversion of the tithes of the parish, formerly belonging to the Deanery of Lincoln, which have been lately disposed of by the Commissioners; and I am directed to inform you, that as these tithes were at the time of such sale subject to a beneficial lease which comprised other property, and reserved only a small annual rent, the share of which representing the said tithes amounted to about 8*l.*, the Commissioners cannot, until the period at which such lease would have expired if the reversion had not been sold, make any grant in recognition of the local claim beyond the extent of the 8*l.* above mentioned, but that they are prepared to recommend to Her Majesty in Council that a grant of 300*l.* be made towards providing a parsonage-house for your living, such grant amounting to the capital sum equivalent to the 8*l.* per annum above referred to.

The Commissioners will require that the plans and specification of the house should be approved by them, as also the execution of the works in accordance therewith.

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE relating to the AUGMENTATION of the VICARAGE of ROUGHTON.

LETTER from the Rev. *R. H. Gwyn* to the Secretary.

Sir, Roughton, Norwich, 24 July 1855.

I SHOULD feel greatly obliged by your informing me who is the proper party to address for the purpose of having a case laid before the Ecclesiastical Commissioners; for, having lately been collated to the vicarage, I am most anxious to bring the circumstances of the parish of Roughton under their consideration, in the hope that as they, the Ecclesiastical Commissioners, are the appropriators of the great tithes, they may be disposed to do something for its relief and assistance.

As it may save inquiry, I venture at once to trouble you with a brief statement of the case of the parish of Roughton, as far as the vicar is concerned.

In the first place, the vicarial tithes are commuted at 96 *l.* per annum (somewhat less than half the great tithes); there are 29 acres and odd of glebe land, and 10 *l.* per annum augmentation from the great titheowner to the small, amounting altogether, supposing the tithes to stand at par, which they do not, to 136 *l.* per annum, which by the time rates and taxes are paid, barely exceeds 100 *l.* per annum, if that.

Next, there is no vicarage-house, and to this point I would wish to draw the especial attention of the Commissioners, as three years' vicarial income will not build such a one as is required, besides reducing the living by some 25 *l.* per annum, leaving a very small pittance indeed for the vicar and his family to subsist upon.

And, thirdly, the church, with the chancel, is not in good repair in any respect, and would require a large sum of money to restore it to a condition suitable for decent worship.

The population too, amounting to 410, mostly very poor, some very rich, cannot be expected, even if they were ever so disposed, to do much in a work of such extent as this manifestly must be.

This is a short account of our condition at this time, and I should be most thankful if the matter could be so put to the Commissioners as to induce them to assist in providing a residence for the vicar, and the restoration of the church.

(signed) *Richard H. Gwyn.*

LETTER from the Secretary to the Rev. *R. H. Gwyn.*

Sir, Whitehall-place, 27 October 1855.

ROUGHTON VICARAGE.

THE Ecclesiastical Commissioners for England have had before them your recent application for an augmentation of the above living in respect of its local claim upon property within the parish lately forming part of the Ely Bishopric Estates, and now vested in the Commissioners in possession, and I am directed to explain to you, in reply, that the estates in question having been acquired by the Commissioners by the commutation of the Bishop's interest therein for a money consideration, the estates remain charged with the repayment to the Commissioners' common fund of the money so expended, together with interest, and the Commissioners will not, according to the rules governing their decisions in cases of the kind, be in a position to recognise the local claims until the next avoidance of the See.

I regret to have to add that the Commissioners have not at present at their disposal any general fund applicable to the improvement of ill-endowed benefices.

(signed) *James J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Orton Longueville Parish Estates.

Marquis of Huntly, Lessee.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

ESTATES ENFRANCHISEMENT, &c.

CORRESPONDENCE, &c., relating to the ENFRANCHISEMENT of certain LANDS, &c. in the Parish of ORTON LONGUEVILLE, held on lease by the Marquis of *Huntly*.

LETTER from Messrs. *Bircham, Dalrymple & Drake*, to the Ecclesiastical Commissioners for England.

46, Parliament-street, Westminster,
Gentlemen, 2 November 1854.

ON the part of the Marquis of Huntly, we are instructed to make application to the Ecclesiastical Commissioners for the enfranchisement of certain leasehold lands now held by the Marquis of Huntly, with his freehold estates in the county of Huntingdon, under an indenture of lease from the Dean and Chapter of Peterborough, dated 12th April 1847.

The lands proposed to be enfranchised consist of a messuage and premises, with meadow and arable land, at Orton Longueville, in the county of Huntingdon, containing together about 151 A. 1 R. 21 P. The term now unexpired to which the Marquis is now entitled, is for the residue of a term of 21 years, from 21st June 1847, renewable by custom at the expiration thereof, and subject to annual rents in money for the first seven years of 6*l.* 15*s.* 4*d.*, and for the last seven years of 19*l.* 15*s.* 4*d.*, and of 40*s.* and 10*s.* during the whole term in lieu of rents reserved in kind.

Mr. J. Bailey Denton, of No. 52, Parliament-street, is the steward and land agent of the Marquis of Huntly, and if the proposals now made are accepted by the Commissioners, he would be happy to meet any surveyor to be appointed by the Commissioners for the purpose of valuing their interest in the said lands, and the amount to be paid by the Marquis for the enfranchisement thereof. Awaiting your reply,

(signed) *Bircham, Dalrymple & Drake.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

14, Whitehall-place,
Dear Sir, 22 November 1854.

PETERBOROUGH CAPITULAR ESTATE.—PARISH OF ORTON LONGUEVILLE.

Marquis of Huntly, Lessee.

THIS application relates to 151 A. 1 R. 21 P. of land in this parish, held by this lessee for a term of 21 years, from 6th April 1847, at reserved rents amounting together at the present time to 19*l.* 5*s.* 4*d.* yearly, but increasing in 1861 to the yearly sum of 22*l.* 5*s.* 4*d.*, as stated in our general Report herewith on this property.

We advise the sale of the reversion to the lessee, and the requirement of the sum of 5,389 *l.*, the purchase to be completed on the 6th April next.

(signed) *Pickering & Smith.*

Extract from Minutes of the Estates Committee, held Thursday, 23d November 1854.

Peterborough Chapter Estates.—Orton Longueville Parish.

Read,—An application by the Marquis of Huntly, for the sale to him of the reversion of 151 A. 1 R. 21 P. of land, with a messuage thereon, situate in this parish, in which he is interested under a lease dated the 12th of April 1847, granted for 21 years from the 6th of April 1847, subject during the first 14 years of the term to annual reserved rents amounting together to 19 *l.* 5 *s.* 4 *d.*, and during the residue thereof to annual reserved rents amounting together to 22 *l.* 5 *s.* 4 *d.*

Read, also,—A Report from Messrs. Pickering & Smith, advising the sale of the property in question at the price of 5,389 *l.*

Resolved, accordingly.

Letter from the Secretary to Messrs. *Bircham, Dalrymple & Drake.*

Gentlemen, Whitehall-place, 25 November 1854.

Peterborough Chapter Estates.—Orton Longueville Parish.

Re *The Marquis of Huntly*, Lessee.

I have laid before the Ecclesiastical Commissioners for England your communication of the 2d instant, containing an application for the sale to the Marquis of Huntly of the reversion of 151 A. 1 R. 21 P. of land, with a messuage thereon, situate in this parish, and held by his Lordship under a lease, dated the 12th of April 1847, granted for 21 years from the 6th of April 1847, subject during the first 14 years of the term to annual reserved rents amounting together to 19 *l.* 5 *s.* 4 *d.*, and during the residue thereof to annual reserved rents amounting together to 22 *l.* 5 *s.* 4 *d.*; and I am directed to acquaint you that, subject to such stipulations as to title as their solicitor may advise, the Commissioners are willing to sell to the lessee the property in question, at the price of 5,389 *l.*, any timber to be paid for in addition, and the purchase to be completed by the 6th of April next, or interest on the purchase-money, at the rate of 4 per cent. per annum, to be paid from that day

(signed) *James J. Chalk.*

J. B. Denton, Esq., to the Ecclesiastical Commissioners of England.

Gentlemen, 52, Parliament-street, 20 December 1854.

Peterborough Chapter Estates.—Orton Longueville Parish.

Re *The Marquis of Huntly*, Lessee.

Your letter of the 25th ultimo, addressed to Messrs. Bircham & Co., having been handed to me as agent to the Marquis of Huntly, I beg to acknowledge its receipt, and to remark, that it would appear that there must have been some misunderstanding on the subject.

The present average annual income from the property is not 200 *l.* a year, and it would appear therefore impossible that the amount asked for the lessors' interest can be calculated upon any renting value.

At the same time, as it is so intermixed with Lord Huntly's estate, his Lordship cannot forego the power of purchase, and I should, therefore, suggest that I should have the opportunity of meeting and explaining facts to the surveyor of the Commission, and if we should fail to come to terms, that we should refer the matter to an umpire, to be then agreed upon.

(signed) *J. Bailey Denton.*

Letter from the Secretary to *J. Bailey Denton*, Esq.

Sir, Whitehall-place, 23 December 1854.

Peterborough Chapter Estates.—Orton Longueville Parish.

Re *The Marquis of Huntly*, Lessee.

With a view to the consideration by the Ecclesiastical Commissioners for England of your communication of the 20th instant, perhaps you will be so kind as to furnish me with your estimate of the annual and fee simple value of the property therein referred to.

(signed) *James J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Orton Longueville Parish Estates.

Marquis of Huntly, Lessee.

LETTER from *J. B. Denton*, Esq., to the Secretary.

Sir, 52, Parliament-street, 28 December 1854.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE PARISH.

Re *The Marquis of Huntly*, Lessee.

IN reply to your letter of the 23d instant I have no objection to state that the net rental of the 154 A. 1 R. 34 P. is 198 *l.* 10 *s.*, after allowing for repairs, insurance, and compensations (average) for loss by summer floods.

The fee simple value of the property, looking upon both interests as an entirety, is 5,955 *l.*, and it would appear quite impossible that the simple interest of lessor should be represented by the sum demanded by the Commissioners, when it is a fact that we have experienced difficulty in letting the lands at the rents I have quoted in the aggregate.

I can believe that in one or two pieces the rent is rather low, but the difference being inconsiderable, it will go but a short way to reconcile the difference between my figures and those you have communicated to Messrs. Bircham & Co., as the value of the lessors' interest.

(signed) *J. Bailey Denton.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 6 January 1855.

PETERBOROUGH CAPITULAR ESTATES.—PARISH OF ORTON LONGUEVILLE.

Marquis of Huntly, Lessee.

WE have perused the file in this case, and see that the lessee's agent states the value of the premises to be 198 *l.* 10 *s.*, and the value in fee to be 5,955 *l.*

Our valuation is 265 *l.*, at 32 years' purchase, amounting to 8,480 *l.* The valuation made by Messrs. Woolley for the renewal due at the time of the commutation of the Chapter interest, gives the annual value at 260 *l.* 19 *s.* The fines on the renewals in 1826, 1833, 1840, and 1847, were 600 *l.*, 530 *l.*, 500 *l.* and 530 *l.* respectively, indicating an annual value of from 300 *l.* to 250 *l.* in addition to 18 *l.* 15 *s.* 4 *d.* reserved rent.

The difference mainly arises in the estimate of annual value, and we think that this might well be referred to arbitration, as proposed in the lessee's agent's letter of the 20th ultimo.

(signed) *Pickering & Smith.*

EXTRACT from Minutes of the Estates Committee, held Thursday, 11 January 1855.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE PARISH.

Read,—Communications from the Marquis of Huntly, objecting to the price of 5,389 *l.*, which, under the resolution of the 23d of November last, was required for the reversion of the property held by him in this parish, and forwarding for the Commissioners' consideration his estimate of the annual and fee simple values of such property. His Lordship suggests either that his own and the Commissioners' surveyors should meet and endeavour to agree upon a price which would be satisfactory to both parties, or that the matter should be referred to arbitration.

Read, also,—A Report from Messrs. Pickering & Smith, stating that the difference in price mainly arises in the estimate of annual value, which they advise should be referred to arbitration, as proposed by Lord Huntly.

Resolved,—Accordingly, and that Mr. John Beasley, of Chapel Brompton, Northampton, be named as the person to whom the Commissioners would be willing to refer the matter.

LETTER from the Secretary to *J. Bailey Denton*, Esq.

Sir, Whitehall-place, 17 January 1855.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE PARISH.

Re *The Marquis of Huntly*, Lessee.

I HAVE submitted to the Ecclesiastical Commissioners for England your communications herein, of the 20th and 28th ultimo, and as the difference between your estimate of value and that of the Commissioners' surveyors is so considerable, I am to propose that the matter be referred to Mr. John Beasley, of Chapel Brompton, Northampton, whose opinion, as arbitrator, as to the annual and fee simple value of the property proposed to be dealt with, the Commissioners are willing to adopt as the basis of a recalculation of their reversionary interest.

(signed) *James J. Chalk.*

LETTER from *J. Bailey Denton*, Esq., to the Secretary.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE.

Sir, 21 February 1855.

ASSUMING that I shall have, as usual, the opportunity of appearing before Mr. Beasley as arbitrator on the part of the Marquis of Huntly, I agree on his Lordship's behalf to that gentleman acting as umpire.

(signed) *J. Bailey Denton,*
52, Parliament-street, Westminster.

LETTER from the Secretary to *J. Bailey Denton*, Esq.

Sir, Whitehall-place, 26 February 1855.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE PARISH.

Re *Marquis of Huntly*, Lessee.

I DULY received your communication herein, of the 21st instant, and have instructed Messrs. Pickering & Smith, of No. 14, Whitehall-place, to make arrangements for proceeding with the business.

(signed) *James J. Chalk.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 27 February 1855.

PETERBOROUGH CHAPTER ESTATES.—ORTON LONGUEVILLE PARISH.

Re *The Marquis of Huntly*, Lessee.

I SEND you a copy of a communication from Mr. Denton, the lessee's agent, assenting to the appointment of Mr. Beasley as arbitrator in this case, and have to request that you will make arrangements for proceeding with the business.

(signed) *James J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 22 June 1855.

PETERBOROUGH CHAPTER ESTATES.—PARISH OF ORTON LONGUEVILLE, HUNTS.

Marquis of Huntly, Lessee.

OUR valuation in this case was an annual value of 265 *l.* at 32 years' purchase, giving a value in fee of 8,480 *l.*; but on investigation it is found that these lands are subject to a modus of 12 *l.* 18 *s.*, and a further payment for land tax of 3 *l.* 5 *s.*, so that a deduction of 16 *l.* 3 *s.* is required from our valuation; and the annual value so reduced is 248 *l.* 17 *s.*, which, at 32 years' purchase, gives a value in fee of 7,966 *l.* 6 *s.* 5 *d.*

The valuation of the lessee's agent on the file is 198 *l.* 10 *s.*, at 30 years' purchase, giving a value in fee of 5,955 *l.*; and this is subject to part if not to the whole of the foregoing deductions.

We transmit herewith two letters from Mr. Beasley, determining the value in fee at 7,550 *l.* and the rate of years' purchase at 30 years; so that the annual value is 251 *l.* 13*s.* 4*d.* after the above deductions are made.

Mr. Beasley's annual value is therefore above that resulting from our valuation, but his rate of years' purchase is below that which we placed upon the annual value.

We have calculated the value of the respective interests on the basis of Mr. Beasley's valuation, and we find that the price required to be paid by the lessee will be reduced from 5,389 *l.* to 4,797 *l.*; the terms and conditions remaining in every respect the same as those set forth in the previous offer.

We beg to add, that we have not paid Mr. Beasley's charge of 15 guineas, considering that it would be discharged direct from the Commissioners.

(signed) *Pickering & Smith.*

Letter from *John Beasley*, Esq., to Messrs. *Pickering & Smith.*

Dear Sirs, Chapel Brompton, 9 June 1855.

I beg to inform you, that my valuation of the property in the parish of Overton, held by the Marquis of Huntly under the Ecclesiastical Commissioners, is 7,545 *l.*

(signed) *Jno. Beasley.*

P. S.—My charge to the Ecclesiastical Commissioners, for journey to London to take instructions from you and Mr. Denton, for valuing the land at Overton, &c., is 15 guineas.

Letter from *John Beasley*, Esq., to Messrs. *Pickering & Smith.*

Dear Sirs, Chapel Brompton, 16 June 1855.

My calculation of the value of the estates at Orton is made at 30 years' purchase.

(signed) *John Beasley.*

Extract from Minutes of the Estates Committee, held Thursday, 28 June 1855.

Peterborough Chapter Estates.—Orton Longueville Parish.

Read,—A Report from Messrs. Pickering & Smith, accompanied by communications from Mr. Beasley, to whom, under the resolution of the 11th of January last, it was referred to decide as to the annual and fee simple values of the property held by the Marquis of Huntly in this parish, from which it appears that Mr. Beasley fixes the annual value at 251 *l.* 13*s.* 4 *d.*, and the fee simple value at 30 years' purchase of that amount. Messrs. Pickering & Smith state, that adopting Mr. Beasley's valuation as the basis of calculation, the price required by the Commissioners, under the resolution of the 23d of November last, for the reversion of the property above referred to, should be reduced from 5,389 *l.* to 4,797 *l.*, the terms in other respects remaining unaltered. Messrs. Pickering & Smith add, that the difference between their and Mr. Beasley's valuations is partly owing to the property having been discovered to be subject to an annual modus of 12 *l.* 18 *s.*, and to an annual payment of 3 *l.* 5 *s.* in respect of redeemed land-tax, and they transmit Mr. Beasley's charges as arbitrator in the matter, amounting to 15 *l.* 15 *s.*, which they advise should be paid.

Resolved,—That the price required for the reversion of the above-mentioned property be reduced to 4,797 *l.*, and that the payment to Mr. Beasley of the above-mentioned charges be authorised.

Letter from the Secretary to *J. Bailey Denton*, Esq.

Sir, Whitehall-place, 11 July 1855.

Peterborough Chapter Estates.—Orton Longueville Parish.

Re *The Marquis of Huntly*, Lessee.

The Ecclesiastical Commissioners for England have had under their consideration the decision of Mr. Beasley, the umpire appointed to fix the annual and fee simple value of the property held by Lord Huntly in this parish, and have directed me to acquaint you that, subject to the stipulations set forth in my letter to Messrs. Bircham & Co., of the 25th of November last, the Commissioners are now prepared to accept for the reversion of the property in that letter referred to, the sum of 4,797 *l.*

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

ESTATES ENFRANCHISEMENT, &c.

CORRESPONDENCE, &c., relating to the Enfranchisement of certain Lands, &c., in the Parish of Norwell, held by *John Evelyn Denison*, Esq., M.P.

Letter from *Thomas Huskinson*, Esq., to the Ecclesiastical Commissioners for England.

My Lords and Gentlemen, Epperstone, near Southwell, 22 April 1852.

Norwell Leasehold Estates.

I am instructed by John Evelyn Denison, Esq., to request that he may be allowed to enfranchise the several leasehold estates in the parish of Norwell, in the county of Nottingham, the reversions of which are now vested in the Ecclesiastical Commissioners.

A schedule of the several estates, and the leases under which they are held, is hereto annexed, and I shall be obliged by being informed on what terms the Commissioners propose that the required enfranchisement should be granted.

(signed) *Thomas Huskinson.*

A Schedule of the Estates held under lease from the Ecclesiastical Commissioners by *J. E. Denison*, Esq., in the parish of Norwell, in the county of Nottingham.

Pearce's Farm, comprising 23 A. 1 R. 31 P., with a cottage and farm buildings thereon, held under lease, dated 18th January 1827, for the longest of three lives, the lease originally granted by the Prebend of Norwell Palishall, but now vested in the Ecclesiastical Commissioners.

Of the three lives mentioned in this lease, only one is now existing, age 52 years.

Clarke's Farm, Overhall Lease, comprising a farmhouse and buildings, and 34 A. 2 R. 31 P. of land, held under lease, dated 30th September 1837, for the longest of three lives, all now living, and of the ages of 22, 33, 52 years.

The lease was originally granted by the Prebend of Norwell Overhall, but is now vested in the Ecclesiastical Commissioners.

Clarke's Farm, Chapter Lease, comprising 51 A. 0 R. 13 P. of land, but without any buildings, held under lease for the longest of three lives, all now living, and of the ages of 26, 30, and 54 years.

The lease is dated 5th March 1835, and was originally granted by the Chapter of Southwell, but is now vested in the Ecclesiastical Commissioners.

(signed) *Thomas Huskinson.*

22 April 1852.

Letter from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 26 April 1852.

Norwell Leasehold Estates.—Re *J. E. Denison*, Esq., M.P.

I have to request your advice for the guidance of the Commissioners upon the proposal contained in the accompanying copy letter from Mr. Huskinson.

(signed) *J. J. Chalk.*

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Norwell Parish Estates.

J. E. Denison, Esq., Lessee.

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 28 April 1852.

NORWELL PARISH.—*J. E. Denison*, Esq., Lessee.

IN compliance with your instructions of the 26th instant, we have considered the application from this lessee's agent for the purchase of the reversion of the several properties set forth in the schedule forwarded by him with the application.

The whole of the premises adjoin the lessee's freehold estate at Ossington, and are delineated upon the plan which accompanied our Report upon the application from Colonel Wylde's devisees.

We see no objection to the sale of these several reversions, and advise the requirement of the sum of 1,639 *l.* for the same; the purchase to be completed on the 24th June next.

(signed) *Pickering & Smith.*

EXTRACT from Minutes of Estates Committee, held 28 April 1852.

NORWELL PALLISHALL and NORWELL OVERHALL PREBENDAL and SOUTHWELL CAPITULAR ESTATES.

Read, AN application on behalf of Mr. J. E. Denison, M.P., for the sale to him of the reversion of about 110 acres of land, with buildings thereon, which he holds on three leases for lives.

Read also, A report from the surveyors, advising the sale at the price of 1,639 *l.*

Resolved, That an offer of sale at this price be made accordingly.

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 30 April 1852.

NORWELL OVERHALL and NORWELL PALLISHALL PREBENDAL and SOUTHWELL CAPITULAR ESTATES.

I HAVE submitted to the Ecclesiastical Commissioners for England your application of the 22d instant on behalf of Mr. J. E. Denison, for the sale to him of the reversions of the estates therein mentioned to be held by him for lives, under leases bearing date respectively 30th September 1837, 18th January 1827, and 5th March 1835, and I am directed to acquaint you that they are prepared to sell the same for the sum of 1,639 *l.*, subject to such stipulations as to title, and the ages and health of the lives, as the Commissioners' solicitor may advise; interest at the rate of 4 *l.* per cent. per annum to be paid on the purchase-money from the 24th of June next, if the purchase be not completed by that time.

(signed) *J. J. Chalk.*

LETTER from *Thomas Huskinson*, Esq., to the Ecclesiastical Commissioners for England.

My Lords and Gentlemen, Epperstone, Southwell, 5 May 1852.

NORWELL LEASEHOLD ESTATES.

I HAVE the honour to acknowledge receipt of your letter dated 30th April, in which you inform me that 1,639 *l.* is the sum required for the enfranchisement of the estates held on lease by J. E. Denison, Esq.

As this sum exceeds the estimate of value which has been made on Mr. Denison's behalf, it would tend to clear the matter of difficulty, and greatly facilitate a settlement, if you would kindly furnish me with the annual value on which the sum of 1,639 *l.* is based, so that we might know how far we are proceeding on the same data.

I shall also be obliged if you will inform me how much of the sum of 1,639 *l.* is charged in respect of Pearce's Farm, of 24 acres 1 rood 31 perches, and what for Clarke's Farm, of 85 acres 3 roods 4 perches.

The two estates are detached in position, and held under distinct leases.

On receiving this information I will lose no time in sending a definite answer to your proposal.

(signed) *Thomas Huskinson.*

LETTER

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 7 May 1852.

NORWELL OVERHALL and PALLISTALL PREBENDAL and SOUTHWELL CAPITULAR ESTATES.

I AM directed by the Ecclesiastical Commissioners for England to acknowledge the receipt of your letter of the 5th instant, and to state in answer that it is not in accordance with their ordinary practice to furnish the data upon which the price asked for the reversion of Mr. Denison's leasehold lands is calculated.

They would, however, be happy to consider any observations as to price which may have reference to Mr. Denison's estimate of the annual and fee-simple value.

(signed) *J. J. Chalk.*

LETTER from *Thomas Huskinson*, Esq., to the Secretary.

Sir, Epperstone, Southwell, 12 May 1852.

NORWELL LEASEHOLD ESTATES.

I HAVE the honour to acknowledge the receipt of your letter of the 7th instant, informing me that it is not usual for the Ecclesiastical Commissioners to furnish the data on which the price asked for the reversion of leasehold lands is calculated. I hope, however, that there will be no objection on the part of the Commissioners to state a separate price for the reversion of the farm called Pearce's Farm, and for the farm called Clarke's Farm, as requested in my former letter.

These farms, though in the same parish, are distant from each other, and held under distinct leases.

I shall be much obliged if you will address your reply to me at Ossington, Newark, where I expect to see Mr. Denison on Saturday.

(signed) *Thomas Huskinson.*

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 14 May 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M.P.

IN reply to your letter of the 12th instant, I beg to inform you that the price required for the Commissioners' interest in Pearce's Farm is 521 *l.* (five hundred and twenty-one pounds), and for their interest in the other leasehold is 1,118 *l.* (one thousand one hundred and eighteen pounds), making together the price of 1,639 *l.*, mentioned in my letter of the 30th ultimo.

(signed) *J. J. Chalk.*

LETTER from *Thomas Huskinson*, Esq., to the Secretary.

Sir, Epperstone, Southwell, 24 May 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M.P.

I HAD the honour to receive your letter of the 14th instant, informing me that the price asked of Mr. Denison for the reversion of these estates was,

	£.	*s.*	*d.*
For Pearce's Farm - - - - - - - -	521	–	–
For Clarke's Farm - - - - - - - -	1,118	–	–

I have submitted this proposal to Mr. Denison, together with a valuation of these estates, made on his behalf.

In Pearce's Farm, the difference between the price asked by the Commissioners, and the valuation made for Mr. Denison, is too trifling to be worth discussion; but in Clarke's Farm the difference is considerable, and I apprehend there must be some mistake in the calculation.

In the hope of arranging this difference, I am desired by Mr. Denison to forward the particulars of the valuation made on his behalf, and to request that the Commissioners will be pleased to give it their consideration.

The material point, and perhaps the only one on which a difference of opinion can arise, is the annual value.

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Norwell Parish Estates.

J. E. Denison, Esq., Lessee.

The estimate enclosed, which was made in ignorance of, and entirely irrespective of the rent paid by the tenant, gives the annual value 102*l.* 16*s.* 2*d.* It was made by myself upon a view of the lands in their present condition, and assumes as a basis the average prices of corn adopted by the Tithe Commutation Act.

I have since ascertained that the actual rent now paid by the tenant for these lands is 85*l.* 16*s.* 9*d.*, which the Commissioners will probably think a safer test of value than the estimate of any surveyor.

There are few persons, I think, who believe that the tithe averages will be permanently maintained, and if not, my estimate of value is excessive and erroneous; and with respect to the rent now paid by the tenant, I do not believe that more could be had from any responsible occupier, but on the contrary, if present prices continue, the rent now paid must be considerably reduced.

I trust, upon consideration of this statement, the Commissioners will be of opinion that the estimate I have the honour to submit is the fair and full value of the property; Mr. Denison has no desire to give less, and he does not believe the Commissioners wish for more.

(signed) *Thos. Huskinson.*

CLARKE'S FARM—OVERHALL LEASE.

VALUATION of a Leasehold Estate in the Parish of *Norwell*, held by *J. E. Denison*, Esq., under Lease dated 30 September 1837, originally granted by the Prebendary of *Norwell-Overhall*, but now vested in the Ecclesiastical Commissioners for the longest of three lives, aged 52, 33, 22 Years.

	£.	s.	d.
Rent reserved	1	2	–
Ditto for Land-tax	1	18	2
	3	–	2

Nos. on Plan.	Description.	Culture.	Quantities. A.	R.	P.	Rent per Acre. s.	Gross Yearly Value. £	s.	d.
	Farm-house and buildings						12	–	–
1	Home close	pasture	7	3	0	25	9	13	9
2	Arable close	arable	5	2	0	20	5	10	–
3	Ditto	arable	6	3	0	19	6	8	3
4	South Home close	pasture	10	2	31	27	14	8	8
5	Pasture close	pasture	4	0	0	24	4	16	–
			34	2	31		52	16	8
	Deduct reserved rent						3	–	2
	Net yearly value					£	49	16	6
	Fee-simple value—								
	49*l.* 16*s.* 6*d.* yearly value by 28 years' purchase						1,395	2	–
	Lessee's interest at 3½ per cent. 20¾ years' purchase on yearly value						1,033	17	4
	Value of reversion						361	4	8
	Reserved rent 3*l.* 0*s.* 2*d.* by 28 years' purchase						84	4	8
	Total value of Reversion					£	445	9	4

CLARKE'S FARM—CHAPTER LEASE.

VALUATION of a Leasehold Estate in the Parish of *Norwell*, held by *J. E. Denison*, Esq., under a Lease, dated 5 March 1835, originally granted by the Chapter of Southwell, but now vested in the Ecclesiastical Commissioners for the longest of three lives, aged 54, 30, and 26 years.

	£.	s.	d.
Reserved Rent	3	–	–
Two Capons	–	10	–
Land Tax	2	12	–
Coals	1	10	–
	7	12	–

No. on Plan.	Description.	Culture.	Quantity. A.	R.	P.	Rent per Acre. s.	Yearly Value. £.	s.	d.
6	Pasture Field	Pasture	1	0	0	24	1	4	–
7	Arable Close	Clover	5	1	0	20	5	5	–
8	Ditto	Fallow	7	3	13	18	7	1	–
9	Ditto	Wheat	6	2	0	21	6	16	6
10	Ditto	Wheat	9	0	0	18	8	2	–
11	Ditto	Fallow	7	2	0	20	7	10	–
12	Ditto	Tares	7	0	0	19	6	13	–
13	Meadow Close	Meadow	2	0	0	24	2	8	–
14	Arable Close	Wheat	5	0	0	20	5	–	–
			51	0	13		49	19	6
	Deduct Reserved Rent						7	12	–
	Net yearly value	£.					42	7	6
Fee-simple value, 42A. 7R. 6P. by 28 years' purchase							1,186	10	–
Value of Lessee's Interest, by 20 years' purchase of 42*l.* 7*s.* 6*d.*							847	10	–
Value of Reversion							339	–	–
Reserved Rent 7*l.* 12*s.* by 28 years' purchase							212	16	–
	Total value of Reversion	£.					551	16	–

ABSTRACT.

CLARKE'S FARM.

	Quantity. A.	R.	P.	Gross Yearly Value. £.	s.	d.	Value of Reversion. £.	s.	d.
Overhall Lease	34	2	31	52	16	8	445	9	4
Chapter Lease	51	0	13	49	19	6	551	16	–
Total	85	3	4	102	16	2	997	5	4

15 April 1852. *Thos Huskinson.*

Note.—The gross yearly rent paid by William Clarke to J. E. Denison, Esq., for the lands comprised in the foregoing valuation, is 85*l.* 16*s.* 9*d.*, being 16*l.* 19*s.* 5*d.* less than the annual value assumed in the above estimate.

Thos. Huskinson.

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Norwell Parish Estates.

J. E. Denison, Esq., Lessee.

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 29 May 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M.P.

I SEND you herewith a letter and valuation from Mr. Huskinson, and have to request your observations thereon.

(signed) *J. J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 31 May 1852.

NORWELL.—*J. E. Denison*, Esq., M.P.

WE have perused Mr. Huskinson's letter and calculations in this case with much satisfaction: Mr. Huskinson does himself less than justice when he suggests that the rental of the property is a better criterion of value than his own judgment; and you are aware that cases have occurred upon estates belonging to liberal proprietors, where the rental has been 25 per cent. below the fair value of the land.

We are of opinion that in this case Mr. Huskinson's estimate is a fair valuation of the rental, and we advise that the Commissioners buy or sell upon his estimate.

**See* Plan No. VIII. at the end of Appendix.

The lands*, comprising 85 acres, lie between the estate of Mr. Denison, in the parish of Ossington (comprising, we believe, the whole parish, containing 2,400 acres), and the estate of 1,500 acres belonging to the Commissioners in the parish of Norwell, of which 1,230 acres are held under them at rack-rent.

Taking these circumstances into consideration, and also the fact of consols being above par, we cannot advise the sale of these lands upon a less estimate of the fee than 30 years' purchase upon Mr. Huskinson's annual value of 102 *l.* 16 *s.*, making a total value of 3,084 *l.*

Amending accordingly Mr. Huskinson's division of the fee, the value of the reversionary interest will be 1,126 *l.*, and of the leasehold interest 1,958 *l.*, and we advise that the Commissioners offer either to buy at 1,958 *l.*, or to adhere to their offer of sale at 1,118 *l.*

(signed) *Pickering & Smith.*

EXTRACT from Minutes of Estates Committee, held Thursday, 3 June 1852.

SOUTHWELL CAPITULAR and NORWELL OVERHALL and NORWELL PALISHALL PREBENDAL ESTATES.

Read,—A communication on behalf of Mr. Denison, with reference to the offer made to him pursuant to the Committee's resolution of the 28th April last, to sell to him the reversions in two properties, in the parish of Norwell, known as Pearce's and Clarke's Farms, at the sum of 1,639 *l.*, of which the sum of 521 *l.* is apportioned on the first, and 1,118 *l.* on the last-named property.

Mr. Denison's agent acquiesces in the price of Pearce's Farm, but gives the details of his valuation with respect to Clarke's Farm, of which he considers the reversion should be valued at 997 *l.* instead of 1,118 *l.*

Read also,—A Report from Messrs. Pickering and Smith, in which they state that as Clarke's Farm lies between a large estate belonging to Mr. Denison, in the parish of Ossington, and the Commissioners' Norwell Estate is in hand, and Consols being at par, they are of opinion that the fee-simple should be estimated at 30, and not at 28 years' purchase, as suggested by Mr. Denison's agent, and that his valuations amended proportionably, would give 1,126 *l.* as the value of the reversion, and 1,958 *l.* for the leasehold interest, and they therefore advise that the Commissioners express their approval of Mr. Denison's estimate of the annual value, but adhere to the price of 1,118 *l.* asked by them for the reversion, or if Mr. Denison should prefer it, to purchase his leasehold interest at the price of 1,958 *l.*

Resolved, That Messrs. Pickering and Smith's advice be adopted.

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 5 June 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M.P.

I HAVE laid before the Ecclesiastical Commissioners for England your letter of the 24th instant, accepting the offer of sale of Pearce's Farm at 521 *l.*, but enclosing calculations in detail to the effect that the price of Clarke's Farm should be 997 *l.*, and not 1,118 *l.*, as required in my letter of the 14th ultimo.

The Commissioners concur in your annual value of 102 *l.* 16 *s.*, but Consols being at par, and the lands lying between the Ossington Estate and their Norwell property, they think that the fee should be estimated at 30 and not at 28 years' purchase, thus making the value in fee 3,084 *l.*, and they are advised that your values of the respective interests, amended proportionably, result in the price of 1,126 *l.* for their interest, and 1,958 *l.* for that of Mr. Denison.

The Commissioners are, however, willing to accept the price of 1,118 *l.* required in my former letter; or, if Mr. Denison should prefer it, to buy the leasehold interest at the price of 1,958 *l.*

(signed) *J. J. Chalk.*

LETTER from *Thomas Huskinson*, Esq., to the Secretary.

Sir, Epperstone, near Southwell, 16 June 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M.P.

I HAVE the honour to acknowledge the receipt of your letter of the 5th instant, in which you inform me that the Ecclesiastical Commissioners having had under their consideration my letter of the 24th ultimo, adhere to the price of 1,118 *l.* as the sum to be paid by Mr. Denison for the enfranchisement of Clarke's Farm.

In reference to the valuation which accompanied my letter of the 24th, you also inform me that the Commissioners concur in my estimate of the annual value of this farm of 102 *l.* 16 *s.*; but, in consequence of Consols being at par, they think the fee-simple value should be estimated at 30 and not at 28 years' purchase, as stated by me; that the effect of taking 30 years instead of 28 gives the value of the Commissioners' interest 1,118 *l.*, and Mr. Denison's 1,958 *l.*, and that the Commissioners are willing to accept 1,118 *l.*, or to buy Mr. Denison's interest at 1,958 *l.*

It was Mr. Denison's desire that the details and data of my valuation should be most fully and frankly explained to the Commissioners, not doubting but they would consider it in the like spirit.

I stated that my estimate of annual value was based upon the averages recognised by the Tithe Act, averages which no longer exist, and are not likely to recur; that my estimate was 17 *l.* a year in excess of the actual rent paid by the tenant, and that no increase upon the present rent could be obtained from any responsible occupier.

I still think that valuation as a whole to be a full and ample one, but to select one item of annual value, which being in excess of rent is favourable to the Commissioners, and to reject another which is against them, does not seem to me as making that fair and candid use of it, which was hoped for and expected.

With respect to the number of years' purchase, I am strongly of opinion, that having regard to the strong and poor quality of the land, and to the inferior character of the district in which it is situate, 28 years' purchase is as much as it would realise in the market; but assuming the Commissioners' view of 30 years to be fair, it ought surely to be taken upon an annual value actually existing, or immediately attainable, whereas to take 30 years' purchase upon my estimate of 102 *l.* 16 *s.*, is equivalent to charging 35 $\frac{7}{8}$, or nearly 36 years' purchase upon the annual income, and allows the purchaser only 2 $\frac{3}{4}$ per cent. interest upon the investment.

Notwithstanding the high price of Consols, the Commissioners will hardly expect any person to purchase land at 36 years' purchase, yielding only 2 $\frac{3}{4}$ per cent. interest for money, and yet this is precisely what Mr. Denison would do, by accepting the terms now offered to him.

The proposal of the Commissioners to buy Mr. Denison's interest on the same scale of valuation on which they offer to sell, though having an appearance of equity, is not the fairest test applicable to the case, and does not directly apply to the point really in question.

Mr. Denison may have reasons for not selling, quite apart from the question of pecuniary value, and it by no means follows, that his declining to sell is any proof of the fairness of the offer made by the Commissioners.

The Commissioners having proposed to sell the reversion, the only question now between the parties is, what is the fair fee-simple value of the estate?

Believing that the Commissioners desire no more than this, I regret it is a point which can only come to them through the report and opinion of others.

I cannot expect the Commissioners to rely upon a valuation made on Mr. Denison's behalf, but as the like objection applies to any valuation made by their own surveyor, I beg respectfully to propose, that the fee-simple value of the estate shall be estimated by an indifferent person, that is, by any land agent of character in the district, and Mr. Denison is willing to pay according to the result of such valution, whatever it may be.

The fairness of this proposal will, I hope, appear obvious to the Commissioners; it seems the most equitable the case admits, and has the advantage of introducing no other element than the single point in dispute.

(signed) *Thomas Huskinson.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 22 June 1852.

NORWELL LEASEHOLDS.—Re *J. E. Denison*, Esq.

I SEND you, herewith, a further letter herein from Mr. Huskinson, and shall be glad to receive any observations you may have to offer thereupon.

(signed) *James J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 22 June 1852.

NORWELL LEASEHOLD ESTATE.—*J. E. Denison*, Esq., M.P.

IN accordance with your instructions we have considered the letter, dated the 16th instant, from Mr. Denison's agent.

According to the statement on the face of Mr. Huskinson's calculation, dated 15th April last, the value of the lessee's interest in Clarke's Farm was 1,880 *l.* According to his present letter the value of that interest cannot exceed 1,601 *l.*

The Commissioners having regard to the position of the property, have offered to buy such leasehold interest at the price of 1,958 *l.*, and we have no doubt but that, having regard to such situation of the property, the purchase at that price is desirable.

We beg to point out that Mr. Huskinson's valuation was made in ignorance of the rental, for the special purpose of ascertaining the value of the reversion, and that the question is, less whether his annual value is correct than whether, having regard to all contingencies, it is proper to affix 30 years' purchase, instead of 28, to such value.

Mr. Huskinson, on the one hand, anticipates a continued depreciation of the prices of agricultural produce, while we, on the other hand, having regard to the price of Consols, and the increased and increasing facility with which sales of land can be effected, consider that it would be highly inexpedient to part with a property adjacent to, and convenient for occupation with, a contiguous estate in possession, at a less rate than 30 years' purchase on Mr. Huskinson's valuation.

The discussion appears to us to require the decision, not of land agents, but of the Commissioners, as accustomed to deal with difficult and unprecedented financial questions.

(signed) *Pickering & Smith.*

EXTRACT from Minutes of Estates Committee, held Thursday, 24 June 1852.

NORWELL PALISHALL, NORWELL OVERHALL PREBENDAL, and SOUTHWELL CAPITULAR ESTATES, NORWELL PARISH.

Read,—A further communication on behalf of Mr. Denison, complaining that the Commissioners have used unfairly the estimates of value submitted to them on his behalf, reiterating the opinion that the price required for the reversion of Clarke's Farm is excessive, and pointing out that there may be other reasons than that of pecuniary value which may make him anxious to retain the property.

Mr. Denison now proposes that the question should be referred to the decision of some indifferent valuer of character, acquainted with the district.

Read also,—A further report from Messrs. Pickering & Smith, setting forth their grounds for adhering to their former opinion in this case, and suggesting that this appears to be less a question for the consideration of land valuers than for that of the Commissioners themselves.

Resolved,—That the Commissioners do not concur in the view that unfair use has been made of Mr. Denison's estimates, and that they see no ground for departing from the terms of the alternative offers, made in accordance with the Committee's resolution of the 5th instant.

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 26 June 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., Lessee.

I HAVE laid before the Ecclesiastical Commissioners for England your letter of the 16th instant, and am directed to state in reply, that they do not consider that they have made any other than a fair and candid use of the whole valuation submitted to them by you; and I am to point out that there may be reasons which would render it desirable for the Commissioners, as well as for Mr. Denison, to possess the property in question.

The value originally adopted by the Commissioners, and which was slightly in excess of yours, was confirmed by the known rental of the adjacent property in their hands.

In your calculations dated 24th May, the value of the leasehold interest in Clarke's Farm is set forth at 1,881 *l.*, but the Commissioners are advised that the value of such interest, if calculated according to the principle laid down in yours of the 16th instant, would little exceed 1,600 *l.*

The Commissioners are, nevertheless, willing to adhere to their offer of 1,958 *l.* for the purchase of Mr. Denison's interest, and they see no reason for varying the price of 1,118 *l.* proposed by them to be accepted for the reversion.

(signed) *James J. Chalk.*

LETTER from *Thomas Huskinson*, Esq., to the Secretary.

Sir, Epperstone, Southwell, 10 August 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M. P.

The Ecclesiastical Commissioners having declined to make any reduction in the price asked for the reversion of this property, or to submit the question of value to reference as requested on Mr. Denison's behalf, I thought it desirable to have Mr. Denison's decision as to the answer which should be finally given in the matter.

I now beg to state that Mr. Denison agrees to purchase the reversion of the two farms in Norwell, in the occupation of Clarke and Pearce, at the price proposed by the Commissioners, viz., 1,639 *l.*; interest at 4 *l.* per cent. per annum to be paid on the purchase-money from the 1st of September next, if the purchase be not then completed.

Mr. Falkner of Newark is Mr. Denison's solicitor, with whom the solicitor of the Commissioners will be good enough to communicate.

(signed) *Thomas Huskinson.*

Appendix.

Ecclesiastical Commissioners for England.

Estates Enfranchisement, &c.

Norwell Parish Estates.

J. E. Denison, Esq., Lessee.

LETTER from the Secretary to *J. M. White*, Esq.

Dear Sir, Whitehall-place, 12 August 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., Lessee.

I AM directed to request that you will take the necessary steps, on the Commissioners' behalf, for completing the proposed sale to Mr. Denison, which is set forth in the accompanying file of papers.

(signed) *Jas. J. Chalk.*

LETTER from the Secretary to *Thomas Huskinson*, Esq.

Sir, Whitehall-place, 12 August 1852.

NORWELL LEASEHOLD ESTATES.—Re *J. E. Denison*, Esq., M. P.

I HAVE duly received your communication of the 10th instant, and have instructed Mr. J. M. White, of No. 10, Whitehall-place, to take the necessary steps, on behalf of the Ecclesiastical Commissioners for England, for completing the arrangements.

(signed) *James J. Chalk.*

LETTER from *J. M. White*, Esq. to the Secretary.

Sir, 10, Whitehall-place, 6 October 1852.

NORWELL LEASEHOLD ESTATES.—*J. E. Denison*, Esq., Lessee.

THE necessary requirements having been complied with, I beg to forward conveyance to Mr. Denison for seal. The purchaser is anxious to complete, and an early appointment will be made for that purpose.

The purchase-money, upon which no interest has yet accrued, is 1,639 *l.*, and the timber is taken as being included in the price. I return the file of papers sent with the instructions.

(signed) *John Meadows White.*

EXTRACT from Minutes of Estates Committee, held 7 October 1852.

SOUTHWELL CHAPTER, and NORWELL OVERHALL and NORWELL PALLISHALL PREBENDS.

A DEED, dated this day, conveying to Mr. J. E. Denison, M.P., the reversion of about 110 acres of land, with the buildings thereon, situate in the parish of Norwell, pursuant to the resolution of the 28th April last, was sealed.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

ESTATES MANAGEMENT, &c.

CORRESPONDENCE relating to the MANAGEMENT of an ESTATE in the Parish of NORWELL, in the possession of the Commissioners.

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 21 October 1850.

NORWELL ESTATE AT RACK-RENT.

IN June 1849, we received instructions from the secretary to report "on the present condition and requirements of all the farms in this parish now occupied at rack-rent under the Commissioners, and to state, for the information of the Board, any circumstances connected with the purchases and sales already effected, which may appear to us to affect the adjacent property of the Commissioners."

The property falling under these instructions comprises 850 acres, divided into 14 farm occupations, varying in extent from 12 acres to 170 acres, and let at rack-rents of 1,302 *l.* per annum; and seven cottage occupations, comprising 7 A. 1 R. 1 P., let at 42 *l.* 12 *s.* per annum.

The property is let upon yearly tenancies, with the exception of two of the farm occupations, one let upon lease for a term expiring 6th April 1853, the other upon a lease for a term expiring Michaelmas 1858. Detailed particulars of the farms are given in the Appendix, together with a statement of the condition and requirements of each holding.

The estate is for the most part of a mild friable character, adapted for the growth of wheat, beans, and clover. It is not a turnip soil, but produces barley of inferior quality, nor is it well fitted for sustaining sheep. It would in these respects be greatly improved by drainage, at the same time that the wheat cultivation would be rendered more certain.

At the inclosure the roads were well laid out and constructed, and efficient arterial drainage was provided.

The tenant Caudwell has suffered considerable losses elsewhere than in his farm; he is advanced in years, and consequently little likely to recover himself.

The repairs under his lease have been neglected; and in respect to cultivation, his covenants have not been well observed, and the farm not having been inspected for the ascertaining of the observance of the covenants at any time from the granting of the lease in 1844, considerable dilapidation has accumulated. In the present depressed state of farming, it is inexpedient to incur any risk of untenanting the farm; otherwise we should recommend that immediate steps be taken to enforce the covenants.

The rest of the tenants are in the main going on satisfactorily as regards their mode of occupation, but the circumstances of the times necessarily press on them with considerable severity. Their marketable produce is almost altogether corn and grain, and a reduction in the last year of 20 per cent., and in this year of upwards of 25 per cent., from the average prices of a long period, renders it impossible that they should at present farm with profit.

Several of the neighbouring proprietors have made a return upon their rents, varying from 15 to 10 per cent., and are, in one or two cases, performing drainage wholly, instead of leaving the labour to be performed by the tenant.

Having considered what advice, under these special circumstances, it has become our duty to give to the Board, we are by no means of opinion that the existence of the present depression calls for a permanent reduction of rental. There is a fair expectation of a partial recovery of prices, and undoubtedly the cost of production will be reduced.

The chief deficiencies of this estate are, the want of thorough drainage, and of the adaptations of the farm buildings to the altered tenure, and to improved methods of cultivation; and we are of opinion that the best mode of dealing with the property is, that these deficiencies, which must at some time be supplied, be dealt with at once.

Thorough drainage over about 550 acres would effect an improvement in value of 20 per cent. Upon the portion of the estate purchased from Mr. Eyre the buildings are substantial and in good condition, and require but little addition. The buildings upon those portions purchased from Sturtevant and Curtis being old and decayed, and ill adapted for improved cultivation, would require a large outlay, and in this respect 300*l.* was deducted from the purchase-money paid for their leasehold interests. With regard to these latter, the buildings may almost wholly be rendered unnecessary by means of advantageous redistribution of the farms.

We recommend the draining and improvement of the farm buildings to be at once commenced and carried on simultaneously over the several holdings, so as to complete the whole in four years, and we estimate the drainage at a cost of 2,500*l.*, and the improvement of the buildings at 500*l.*

The proposed outlay, exclusive of the 300*l.* provided in the prices given for the leasehold interests, is therefore 2,700*l.*, equivalent at 5 per cent. (at which amount we estimate the charge for interest and for restoration of capital in building and draining) to 135*l.* per annum. We estimate the benefit from the draining and in the improved facilities for occupation by the additional buildings at upwards of 10 per cent. on the present value of the farms, operating to that extent to the relief of the tenantry.

We advise that no charge be made on the tenantry in respect of this outlay during its progress. The course of cultivation will not allow of the completion earlier than in the specified period of four years; but if within that period prices and the cost of production shall have found their level, so that a revisal of the rental may be made upon a satisfactory basis, such revisal may be proceeded with and a rental fixed and leases granted for a term of years with due regard to the amount of the outlay and the improvements effected. We deprecate any course of action that at the present moment might have the effect of untenanting the farms.

The uncertain extent of the estates at Norwell which may within a short period accrue to the Commissioners by lapse or purchase of leasehold interests, constitutes a special reason for abstaining at present from leasing.

Lessees are from time to time desirous of selling, and in some cases the acquisition of such leaseholds may render indispensable a modification of the present holdings.

The estates in hand are 850 acres, and the remaining lessees are 23, holding together 792 acres, nearly half of which is held by Colonel Wylde's devisees, who, as well as some others, have expressed their desire to sell their leasehold interests. The lands held by several of these lessees would be advantageous additions to the estates in hand; of a few the alienation would be not a little detrimental to those estates; with respect to a very few it is a matter of indifference whether they are bought or sold.

Upon the whole, we are of opinion that it is desirable that no further sale of reversions should take place at Norwell, but if this is deemed to be inexpedient, then each separate application should be considered on its own merits.

The reversions sold are 20, and the extent 188 acres. It is desirable that the Commissioners should repossess themselves of some of these should they come into the market.

The general reasons for these recommendations are the opportunities so to be obtained for an improved allotment of portions of the estate already in possession, and for the more economical arrangement and use of the farm buildings. The rearrangement of the farms will economise the expenses of management and of cultivation.

The circumstances of each farm are pointed out in the column of remarks in the particular of the farms in the Appendix.

On the remaining point on which we are instructed to report, "as to the mode of carrying into effect and insuring the due performance of the covenants and conditions of the several tenancies," we beg only to observe, that it does not appear to us that this object can be secured otherwise than, as in the case of private estates, through an annual inspection by persons acquainted with the practical operation, as well as with the nature and spirit of such covenants and conditions, and with the general requirements of the estate.

(signed) *Pickering & Smith.*

[*See* Plan, No. IX., at the end of Appendix.]

ALLERSTON.

E.R. YORK.

ELLERBURN ALLERSTON

Arch. Episcopal Lands

Crake Hall

Marsh Lodge

Whitehall

From Malton

To Yeddingham

River Derwent

649 650 653 654 648 651 652 655 647 647A 644 643 646 645 656 657 658 659 689 690 691 692 693 688 694 709 687 660 710 661 686 662 708 640 641 642 630 638 637 695 685 663 707 705 704 706 636 635 629 684 683 682 696 703 702 666 631 632 633 634 664 665 681 701 677 628 667 625 627 668 700 699 626 672 698 679 680 678 676 675 674 715 673

To Malton

To Kilham

Stone Pit

35

34 a

34

34 d

27

34 b

34 c

37 b

37

38

37 a

Township of Garton

Towthorpe

Driffield

MILLINGTON,

E. R. YORK.

MILLINGTON FARM.
LITTLE GIVENDALE FARM.

MILLINGTON,

E. R. YORK.

MILLINGTON FARM.

LITTLE GIVENDALE FARM.

SCALE.

TOWNSHIP OF GRIMTHORPE

TOWNSHIP OF GT GIVENDALE

TOWNSHIP OF GT FRIDAYTHORPE

TOWNSHIP OF MILLINGTON

PARISH OF

To Millington

From Givendale

From Millington

From Millington

From Millington

Plan N° IV.

PRESTON,

E.R. YORK.

Lith.ª to the Queen.

N° 174. Ordered by The House of Commons, to be Printed, 25th April, 1856.

Henry Hansard, Printer

PLAN N° V.

SOUTH CAVE AND BROMFLEET,

E. R. YORK.

PROVENCE FARM.

PLAN Nº V.

SOUTH CAVE AND BROMFLEET,

E. R. YORK.

PROVENCE FARM.

PLAN Nº VI.

WAGHEN,

E. R. YORK.

Windham Esqre

315

303

302

301

300

299

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Church

To Meaux

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RIVER HULL

Windham Esqre

SCALE

0 1 2 3 4 5 6 12 18 24 30 Chains

Printed by Harrison and Sons, Printers in Ordinary to The Queen

Nº 174. Ordered, by The House of Commons, to be Printed, 25th April 1856.

Henry Hansard, Printer.

PLAN, Nº VII.

A MAP OF THE PARISHES OF BRANCEPETH, WHITWORTH, MERRINGTON & FERRYHILL,

IN THE COUNTY OF DURHAM,

out of which the PROPOSED DISTRICT OF SPENIMOOR is to be made,

AS COLORED YELLOW,

1854.

SCALE OF STATUTE MILES.

0 ½ 1 2 3 4

ndidge & Cº Lith. London.

Nº 174. Ordered by The House of Commons, to be Printed, 25th April, 1856.

Henry Hansard Printer.

PARISH OF NORWELL.

Green Lands – Ecclesiastical Commissioners in possession.
Pink . . on Lease.
Uncolored – is Freehold.

OSSINGTON PA

EVELYN

J. E. DENISON, ESQ.

DYTON PARISH

CAUNTON

SCALE OF CHAINS

0 5 10 20

andridge & Cº Litho, London

PLAN, Nº VIII

Nº 174. Ordered, by The House of Commons, to be Printed. 25th April, 1856.
Henry Hansard, Print

PARISH OF CAUNTON
OF OSSINGTON
PARISH
NORWELL WOODHOUSE
552
555
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PLAN, No. IX.

Plan of Norwell Parish

CARLTON

RIVER TRENT

Meadow Allotment

N

NORWELL

Vicarage

CROMWELL PARISH

BATHLEY LORDSHIP

Lands in hand..... colored Green.
Lands let on Beneficial leases Yellow.

SCALE OF CHAINS.

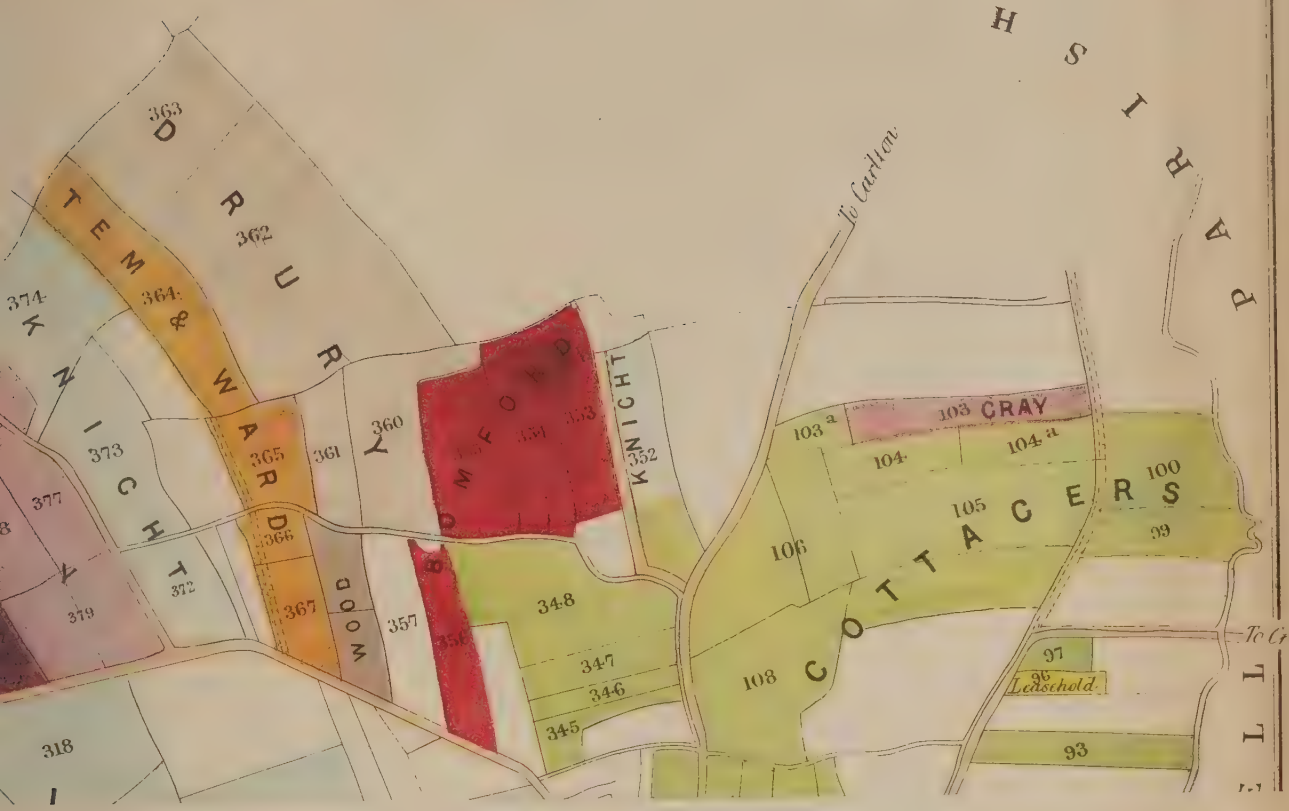
0 5 10 20 30 40

No. 174. Ordered, by The House of Commons, to be Printed 25th April, 1856.

PLAN, Nº X.

114
Buildings from which
Green Lands now
occupied
127
NORWELL

PLAN, No. XI.


363
DRU
362
TEM & WAR
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WICH
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372
365
366
367
WOOD
361
360
357
BOMFORD
KNIGHT
352
348
347
346
345
318
To Carlton
PARISH
103 GRAY
103 a
104
104 a
105
106
108
COTTAGERS
100
99
97
95
Leasehold
93
To Cro

Ecclesiastical Commissioners for England.

NORWELL ESTATE.

PARTRIDGE FARM,

Belonging to Thomas Hyde, Esqr.

(Copied from the Map made for the Commutation of Tithes.)

Standidge & Cº Lithrs London

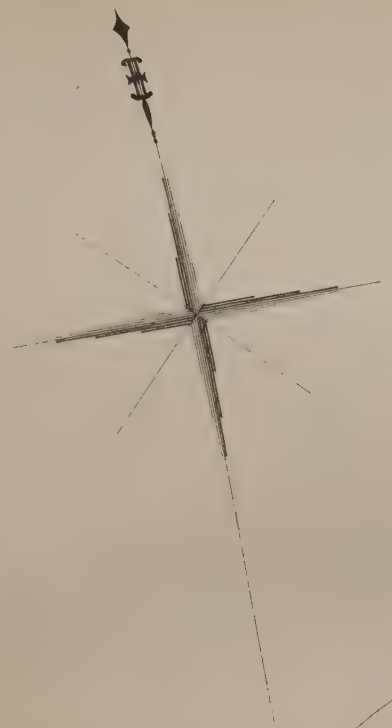
Nº 174. Ordered, by The House of Commons, to be Printed. 25th April, 1856.
Geo. Eyre and Wm. Strahan Printers.

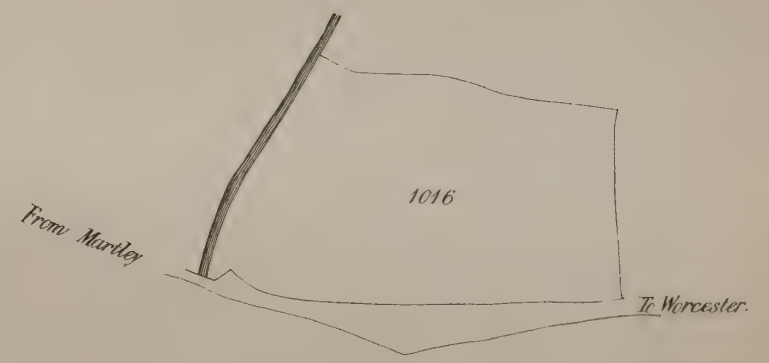
PLAN No. XIV.

CULLITERS FARM,

Belonging to Thomas Hyde, Esq^re.

Copied from the Map made for the Commutation of Tithes.





Scale—Three Chains to an Inch.

Basire, Litho.

No. 174. Ordered, by The House of Commons, to be Printed. 25th April, 1856.

Henry Hansard, Printer.

PLAN Nº XV.

LANDS AT WEST OAKLEY.

DEANE, HANTS,

The Property of

The Rev.d The Dean and Chapter of Winchester,

On Lease to

William Hicks Beach, Esq.re

1853.

Nº 174. Ordered, by The House of Commons, to be Printed, 25th April, 1856

Henry Hansard,

...sire, litho.

1.—CAUDWELL, JOHN, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
458, 459	Road-side Slip	arable	2	2	28
539	Private Lane	road	0	0	22
536	House, Outbuildings, Yard, and Garden	homestead	0	1	11
537	Orchard	pasture orchard	0	3	14
538	Smithy Croft	arable	1	1	13
539	Cottage and Garden	-	0	0	19
540	Blacksmith's Shop and Croft	cottages, orchards, and gardens	0	1	24
541, 542, 543, 544	Tenements, Yards, and Gardens	cottages, orchards, and gardens	0	1	3
545	Orchard Croft	-	0	3	18
546	Croft	pasture, orchard, &c.	0	2	31
549	Home and Rushy Close	pasture	5	0	20
550	Garden	pasture	0	0	28
551	Fallow Close	arable	4	1	21
552	Calf Close	arable	4	2	20
553	Top Close	arable	4	3	30
554	Slack Close	arable	6	0	0
555	Slack Close	arable	5	0	28
556	Cow Close	pasture	2	3	36
557, 558	Cutter Close	pasture	6	0	37
575	Ridge Close	pasture	4	3	24
600	Far Common Allotments	arable	3	3	0
		Total - - - A.	55	3	27

	A.	R.	P.
Farm-house, Outbuildings, Yard, and Garden	0	1	11
Orchards and Paddocks	1	2	5
Pasture and Meadow	19	1	25
Arable	32	3	20
Road	0	0	22
Cottage and Garden	1	2	24

Let on lease, dated 29th September 1844, for 14 years, at 105 *l.* per annum.

The lease comprises eight cottages, besides the farm-house, buildings, and lands.

The tenant is under adequate covenants for repairs and management, but they have not been well observed. It is desirable that he should at once have notice to perform the repairs, and adhere to his farming covenants, and if, on the next inspection of the property, the notice is not found to have been complied with, the remedies provided by the lease should be resorted to. He may be, in that case, succeeded by Gray.

We advise that, though under lease, a portion of the drainage recommended in the preceding general Report be applied to this farm, provided the tenant will undertake to pay 5 per cent. on the outlay, and perform the carriage of the drain tiles.

When this tenancy is transferred, Nos. 451, 452, 453, and 594, together, 23 A. 1 R. 6 P., now let to Mr. Marshall, and No. 78, 5 A. 2 R. 30 P., should be added to this farm, and the cottages and gardens, Nos. 539 to 545, detached; this would make the farm 83 A. 0 R. 39 P.

	A.	R.	P.
Farm-house and Buildings	0	1	11
Orchard and Paddock	1	2	5
Meadow and Pasture	28	1	21
Arable	52	3	20
Road	0	0	22

Appendix.

Ecclesiastical Commissioner for England.

Estates Management, &c.

Norwell Estate.

2.—CURTIS, JOSEPH, Occupier.

NO. ON PLAN.	DESCRIPTION.	A.	R.	P.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
79	Church Meadow				meadow	16	1	38
127	Homesteads, Yards, and Gardens					1	0	15
146	Leys Close and Orchard	5	3	4	pasture	11	0	38
127	Home Close	5	1	34				
269	Far Sweat Oaks				arable	8	2	8
270	Near - ditto				arable	8	3	36
271	Near Greenmere Close				arable	10	0	15
272	Far - ditto				arable	11	0	20
277	Far Bellmans Close				arable	7	0	2
278	Near - ditto				arable	6	2	10
283	Rails Wong Close				arable	9	2	0
320	Acres Furlong Close				arable	9	2	4
321	Mill Hill Close				arable	16	3	20
322	Near - ditto				arable			
325	Woodhouse Road Close				arable	3	3	11
326	Lanes Furlong Close				arable	7	2	26
328	Middle Furlong Close				arable	3	2	2
348	Sick Close				pasture	8	3	16
407	Surnagh Lane				pasture	1	1	33
408	Top Surnagh Close				arable	8	0	10
409	Middle - ditto				arable	8	3	0
410	Bottom - ditto				arable	8	0	8
411	Surnagh Close				arable	8	3	14
					TOTAL A.	176	0	6

	A.	R.	P.
Homestead	1	0	15
Meadow and Pasture	38	0	5
Arable	136	3	26

Let from year to year, at £. 232. 6. per annum.

The farm-house and buildings are good and in fair repair; the only addition requisite is that of a shed for waggons and carts; they are fitted to the occupation of a greater extent of land.

About two-thirds of the farm require thorough draining, and there is not on the estate any farm to which it would be more beneficial.

The tenant is a steady and industrious man, and farms his land respectably, though not with spirit.

Only 53 A. 2 R. 36 P. are adjacent to the homestead. Two grass closes, containing together 25 A. 1 R. 14 P. are not inconveniently situated; but the residue of the arable land, comprising 96 A. 3 R. 36 P., is more conveniently situate for occupation with Pearce's homestead.

On any redistribution of the lands which may be rendered practicable by the lapse or purchase of other leaseholds, the farm-house and buildings, and the adjacent 53 A. 2 R. 36 P. of land, ought to be attached to Knight's farm, superseding the necessity for rebuilding Knight's premises, and the residue attached to Pearce's homestead.

It is advisable in this case to move Curtis to Pearce's farm. For size and cultivation of altered farms, *see* Pearce's and Knight's.

3. CURTIS, SAMUEL, Junior, Occupier.

No. on Plan.	Description.	Cultivation.	Estimated Quantity. A.	R.	P.
78	Church Meadow	meadow	5	2	30
433	Far Caunton Close	arable	13	0	12
434	Long Beck Close	arable	9	3	30
435	Far - ditto	arable	9	1	5
436	Woodhouse Close	arable	11	2	10
437	Home Close A. 8 R. 1 P. 11	arable	16	2	37
442	- - - A. 8 R. 1 P. 26				
438	Cottage House, Homestead, Yards, and Gardens	-	0	1	22
439	Back Close	arable	6	2	19
440	Far Hanging	arable	7	3	6
441	Near - ditto	arable	8	1	16
443	Square Beck Close	arable	8	1	10
444	Middle Caunton Close	arable	10	1	21
445	West - ditto	arable	6	2	16
446	West Beck Close	arable	12	2	2
450	Hill Close	arable, gorse, and waste	15	3	28
454	Middle Kneesal Close A. 6 R. 1 P. 0	arable	12	1	20
455	Near - ditto A. 6 R. 0 P. 20				
456	Far - ditto	arable	6	2	10
		Total - - A.	162	0	14

	A.	R.	P.
Homestead - - - - -	0	1	22
Meadow - - - - - -	5	2	30
Arable - - - - - -	156	0	2

Let from year to year, at £. 221. 15. per annum.

The buildings are good, and in good condition. The house is small, but the present tenant does not reside on the farm, and the house, though substantial, is in size adapted only for a labourer's dwelling.

About half of the farm would be much benefited by thorough draining; the remainder has been already drained by the tenant.

The tenant is a steady, skilful, and industrious man, and farming in a liberal way.

In case of any redistribution of the lands, it may be found desirable to annex to this farm Nos. 430, 431, 432, containing 20 A. 2 R. 15 P. now belonging to Pearce's. The farm buildings would still be sufficient for its occupation.

It is advisable whenever the 26 acres of grass land at Carlton, in the occupation of Mrs. Buttery, shall become vacant, that it be attached to this farm, which is deficient in grass land. No. 78 may then be detached and added to the farm now Caudwell's; the extent will then be 202 A. 3 R. 39 P.

	A.	R.	P.
Homestead - - - - -	0	1	22
Meadow - - - - - -	26	0	0
Arable - - - - - -	176	2	17

4. GRAY, JOHN, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A. R. P.
100	Meadow Close	meadow	6 0 33
103	Cow Furlong	arable	3 2 34
103*a*	Willoughby Nooking	pasture	1 1 11
104	Cow Furlong Close	pasture	2 3 39
104*a*	Bottom ditto	pasture	3 0 3
114	House, Buildings, and Homestead	-	2 1 18
116	Far Croft and Sick Close	pasture	2 1 25
290	Top Swinhaugh	arable	3 1 2
291	Middle ditto	arable	7 3 36
292	First - ditto	arable	6 1 16
375	Ossington Nooking	arable	4 0 33
376	Ossington Nooking (two closes)	arable	8 0 5
377	Ferryman's Lane Close	pasture	3 3 26
378	Buckersay Close	pasture	4 2 27
379	North Field, Buckersay Furlong	arable	6 2 38
		Total - - - A.	67 0 26

	A.	R.	P.
Homestead, say	0	1	18
Meadow and Pasture	26	2	4
Arable	40	1	4

Let from year to year, at £. 105. 10. per annum.

This farm was let in 1845 to the tenant of the previous lessee of the farm. He is industrious, and may succeed Caudwell, and be replaced by Pearce.

It is very inconveniently dispersed, and the prospect of a better distribution of the holdings at no remote period induced us to advise that it should not be put into lease at the time of the purchase.

The Nos. 290, 291, 292, 17 A. 2 R. 14 P., ought at the first opportunity to be attached to Marshall's farm, and Wilson's farm buildings and land, 25 A. 2 R. 23 P., except the garden plot, No. 110, annexed to this farm.

Wilson's buildings are nearly sufficient for the occupation of the holding; and Gray's, which are very dilapidated, and would else cost an expensive repair, may nearly all be cleared away.

The farm would be still further improved by the addition of a further portion of arable land; and unless before the final adjustment of the holdings other land should be purchased or fall in, Nos. 393, 394, 395, 16 A. 1 R. 29 P., Knight's holding, may be added. This will make the whole to appertain to Wilson's farm-house and yard 91 A. 1 R. 28 P., viz.

	A.	R.	P.
Homestead	0	3	24
Meadow and Pasture	40	3	31
Arable	49	2	13

5.—KNIGHT, WILLIAM, Occupier.

No. on Plan.	Description.	Cultivation.	Estimated Quantity. A.	R.	P.
77	Church Meadow	meadow	5	2	25
109	House, Outbuildings, and Homestead	-	1	1	11
117	Hundred Acres	arable	0	1	3
121	Willow-tree Close	arable	1	0	32
122	House, Outbuildings, and Gardens	-	1	0	14
123	Homestead	pasture	5	1	4
314	Sibcock Close	arable	7	2	16
315	Hovel Close	meadow	2	1	12
316	Ash Plantation	wood	0	1	12
317	New Close	arable	7	1	18
318	North Field New Close Furlong	arable	10	0	22
319	Ditto Dirty Baulk	arable	4	3	11
329	Ditto Sandpit Furlong	arable	6	0	21
330	Ditto Middle Furlong	arable	5	1	35
331	Ditto Lower Brickland	arable	7	1	3
347	Long Sick Close	pasture	2	2	20
352	Pool Haydes	arable	6	0	33
372	Ferryman's Lane Close	arable	4	1	7
373	Lower Dodhills	pasture	7	2	34
374	Upper ditto	pasture	8	1	30
393	Hern Close	arable	10	2	34
394	Golden Wong Close	arable	1	3	32
395	Surnagh Hill Close	arable	3	3	3
		Total - - - A.	111	3	32

	A.	R.	P.
Homestead	1	1	25
Meadow and Pasture	33	0	5
Arable	77	0	30
Wood	0	1	11

Let from year to year, at £. 173 per annum.

The purchase of this leasehold was completed in 1847, and the present tenant continued in his tenancy.

He is an industrious respectable man, with adequate capital, and is a good farmer. It is desirable, should an opportunity present, that his holding should be increased.

The No. 109 consists of a poor cottage, barn, and small paddock; it is adjoining the vicarage, and for the comfortable occupation of the vicarage the buildings ought to be pulled down, and the land, along with No. 110, Wilson's, together 1 A. 2 R. 7 P., added to the vicarage.

The farm-house and buildings on No. 122 are chiefly old, inconvenient, and much dilapidated, and not worth repair. It has (under Joseph Curtis) been stated as desirable that a part of that farm, including the farm buildings and 53 A. 2 R. 36 P., should be attached to this farm to consolidate it, and supersede the restoration of the buildings.

If these arrangements are carried out, Nos. 393, 394, 395, 16 A. 1 R. 29 P., from this farm may be added to Gray's; Nos. 117 and 121, 1 A. 1 R. 35 P., should also be detached, and attached to cottages. The farm would then be 146 A. 1 R. 33 P.; viz.—

	A.	R.	P.
Homestead	1	0	15
Meadow and Pasture	43	1	3
Arable	101	3	3
Wood	0	1	12

Appendix.

Ecclesiastical Commissioners for England.

Estates Management, &c.

Norwell Estate.

6.—MARSHALL, THOMAS, Occupier.

No. on Plan.	Description.	Cultivation.	Estimated Quantity. A.	R.	P.
	(Late Thomas Drury.)				
493	Little Overdales	pasture	2	0	14
494	Great - ditto	arable	3	2	32
503	North Part, Great Overdales	arable	1	3	29
504	Long Close	arable	3	0	27
505	Wood Close	arable	3	2	36
506	Little Three Acres	arable	3	0	28
507	Little Close	arable	3	0	38
508	Four Acres	arable	4	0	33
509	Garden	arable	0	0	16
510	Cow Close	pasture	2	3	12
511	Home Close	pasture	2	1	24
512	House, Outbuildings, Garden, and Allotment	-	0	3	28
			31	2	7
	(Late Hannah Pearce.)	A. R. P.			
451	arable	8 2 0			
452	arable	5 3 3			
453	arable	5 2 37			
594	pasture	3 1 6			
			23	1	6
	Total - - - A.		54	3	13

	A.	R.	P.
Homestead	0	3	28
Pasture	10	2	16
Arable	43	1	9

Let from year to year, at - - - - - £. 75. 7 – per annum.

viz., late Drury - - - £. 50 – – from Lady-day 1850.

Pearce - - - 25 7 „ 1851.

The farm late Drury's was purchased from him, and possession taken by the Ecclesiastical Commissioners from Lady-day last, under an instruction from Mr. J. M. White that we should procure a suitable tenant. To prevent a vacancy pending the completion of the purchase, we let it to Mr. Marshall, to enter upon it from that date.

The farm is not of an extent to be occupied to the best advantage, and we took the opportunity of Mrs. Pearce's desire to give up the occupation to her son Joseph Pearce, to add this portion, with Pearce's consent, from Lady-day 1851, to Drury's farm. It more nearly adapts the area of the farm to the size of the buildings, and enables a more economical appropriation of the horse labour. Eventually the 23 A. 1 R. 6 P. ought to be added to Caudwell's, and replaced by Nos. 290, 291, and 292, together, 17 A. 2 R. 14 P., from Gray's; reducing Marshall's to 49 A. 0 R. 21 P.; viz.

	A.	R.	P.
Homestead	0	3	28
Meadow and Pasture	10	2	16
Arable	37	2	17

to be added to on the first favourable opportunity.

7. Late PEARCE, HANNAH, Occupier.

Mrs. Pearce desired at Lady-day 1849 to surrender this farm to her son Joseph Pearce, but except Nos. 284, 285, it is not conveniently situated for his occupation, and as an addition to the farm late Drury's was desirable, and Joseph Pearce was willing to surrender Nos. 451, 452, 453, 594, we have allotted them to Marshall's occupation from Lady-day 1851, adding the Nos. 284, 285 to the larger farm occupied by Joseph Pearce. The rents are apportioned to these farms.

8. PEARCE, JOSEPH, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
416	Short Furlong Close	arable	6	0	18
417	Hanging Middle Close	arable	5	1	20
418	- - ditto - adjoining road	arable	5	2	4
419	Low Hackings	meadow	4	0	32
420	First Hackings	arable	6	1	17
422, 423	Hintham Close	arable	4	1	18
424	Hackings Close	arable	6	3	19
427	Far - ditto	arable	7	3	13
430	Long - ditto	arable	6	0	19
431	Near Common Close	arable	7	1	22
432	Far - ditto	arable	7	0	14
476	Home - ditto	arable	4	0	0
479	Garden and Orchard	orchard and garden	0	1	26
480	New House, Barn, Stables, Cowhouse, &c.	-	0	3	22
481	Croft	pasture	3	2	5
482	Home Close	arable	8	0	8
483	Pingle	pasture	2	2	0
484	Hackings Close and Hovel	pasture	4	2	19
485	Old Hackings	arable	3	1	24
			94	2	20
	(Late Hannah Pearce.)				
284	Far Rails Wong	arable	4	2	0
285	Near - ditto	arable	4	2	10
			9	0	10
		Total - - - A.	103	2	30

	A.	R.	P.
Homestead	1	1	8
Meadow and Pasture	15	0	16
Arable	87	0	6

Let from year to year at £. 130 3 – per annum.

viz. Joseph Pearce £. 116 – –

late Hannah Pearce 14 3 –

This farm, at the completion of the purchase from Mr. Eyre in 1849, was vacated at Lady-day by the insolvency of the tenant. It is consequently in low cultivation. The farm buildings are in good condition, especially the house, and are above the scale adapted to the extent of the farm. With the addition of a waggon shed and small cattle shed, they will be adequate for the occupation of a much larger extent of land.

The greater part of the farm is in urgent need of draining.

The closes 430, 431, 432, 20 A. 2 R. 15 P., are inconvenient for occupation with it, and ought to be added to Samuel Curtis's farm.

The residue of Joseph Curtis's farm not proposed to be attached to Knight's, 122 A. 1 R. 10 P., ought to be annexed to this homestead, and the farm transferred to Joseph Curtis. The average distance of the land would be lessened by about three quarters of a mile, the grass and arable better proportioned, and a considerable cost in building avoided. This change should be effected as soon as Pearce, who is a deserving tenant, can be placed on another farm. Under this arrangement the farm will be 205 A. 1 R. 25 P., viz.:

	A.	R.	P.
Homestead	1	1	8
Meadow and Pasture	41	2	23
Arable	162	1	34

9.—RADFORD, THOMAS, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
156	Moorland	house, buildings, garden and orchard	0	1	6
157	Netherhall Homestead		0	2	30
158	Hopyard adjoining ditto	orchard & mead	0	2	38
251	Middle Field, Sow and Pigs Furlong	arable	7	3	19
252	Ditto - - Upper Moorlands	arable	2	3	5
	TOTAL - - - A.		12	1	18

Let from year to year, at £.25 per annum.

This occupation consists of a newly erected cottage, and some inferior board-and-thatch outbuildings.

The extent of the occupation is too small to justify the erection of further buildings, but it is desirable, when opportunity shall occur by the lapse of any land conveniently situated, to somewhat enlarge the holding. The Ecclesiastical Commissioners are not at present in the possession of any land adapted to the purpose.

An arable occupation so small as this, from the impossibility of an economical arrangement of horse labour, can never be cultivated with profit for mere agricultural purposes. The present tenant is an industrious man, and the occupation is convenient to him, as auxiliary to his business as a common carrier, but should be added to by the annexation of Rose's when he is otherwise provided for.

10.—ROSE, JOHN, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
67	House, Outbuildings, Garden, and Croft	- - -	0	0	39
202	Southfield, Kettle Croft Wong	arable	3	3	21
203	Far Field Close	arable	3	1	21
204	Hopyard	oziers	1	1	24
215	Hopyard Garden	oziers	0	0	10
216	Ditto	arable	2	3	19
217	West Meadow Nooking	arable	2	0	6
	TOTAL - - - A.		13	3	20

Let from year to year, at £. 21 per annum.

The cottage and buildings belonging to this land are much dilapidated. It is not desirable to repair the outbuildings, but whenever the tenant can be displaced with advantage the land should be allotted to Radford, these outbuildings erased, the cottage repaired, and, with the garden, let separately.

11.—TEMPLEMAN, JOSEPH, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
194	Beck Wong Close	arable	5	0	10
196	Plantation	-	0	0	8
197	Flagg's Meadow, adjoining road	mead	9	3	28
198	South Field, Weaver's Furlong	arable	8	2	27
199	South Field, Long Dykes	arable	17	0	11
	Total - - - A.		40	3	4

Let from year to year, at £.70 per annum.

This land was under lease for a short term, when the leasehold was, in 1847, purchased from the beneficial lessee; the under-lease has since expired, and the tenant continues to occupy from year to year, on the same terms.

He appears to be a responsible man, and up to the time of our inspection of the estate was cultivating it fairly; but there are no buildings appertaining to it, and the tenant is occupying it from his own contiguous lands. This is open to abuse, and ought to be obviated at the first convenient opportunity.

The land forms part of a block of 136 acres, of which 54 acres are in hand, and 82 acres still in lease. The centre of it is 1½ mile from any existing farm buildings of the estate, and is worked from the village at much consequent disadvantage. A portion of still existing leasehold has been once offered to the Commissioners, and we have no doubt will again be offered when the mode of dealing is determined on. We are therefore of opinion that it is advantageous at once to build an adequate barn and yard for the part in hand, and complete the buildings for an integral farm when more shall fall in. It will, together, form a very compact and desirable farm. Without building, the tenant cannot be put under proper covenants.

12.—WILSON, THOMAS, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
93	Meadow Close	mead	3	2	14
108	Half-part Close	pasture	8	1	39
110	Garden and Orchard	orchard	0	0	36
111	House, Buildings, and Orchard	-	0	3	24
112	Homestead Close	pasture	1	3	36
380	Northfield Brick-kiln Furlong	arable	6	2	0
381	Buckersay Close	arable	3	3	34
	Total - - - A.		25	2	23

	A.	R.	P.
Cottages, House, Yard, and Garden	0	3	24
Meadow and Pasture	14	0	9
Arable	10	1	34
Orchard	0	0	36

Let on lease for seven years, expiring at 6th April 1853, at £.63 per annum.

This occupation, besides the dwelling-house in the holding of the tenant, comprises two other tenements.

Wilson occupies this land with his own freehold, and cultivates it badly.

On the expiration of his lease, we recommend that the tenements which form a part of No. 111 be detached and let separately. We also recommend that the garden (No. 110) be annexed as an augmentation to the vicarage, to which, as well as 109, it is highly desirable.

Under Gray's farm, we have advised that this farm-house and buildings, with the residue of the land, be allotted to that farm, of which it is recommended that the greater part of the buildings should be erased to avoid the cost of their restoration.

13.—BUTTERY, ANN, Occupier.

In Carlton-on-Trent Township.

	A.	R.	P.
Meadow Allotment - - - - - - - -	26	0	0

Let from year to year, at £. 80 per annum.

This meadow is held separately from any other part of the estate, and is occupied with an inn on the old north road. When the inn flourished the meadow was very valuable to the tenant, and the condition of the land was well supported; but of late the hay has been sold from it, and the condition is in danger of being reduced.

The rent is high, and it is not desirable to disturb the present tenant until the adjustment of the farms takes place, when we advise that it be attached to Samuel Curtis's farm at a valuation.

COTTAGES WITH LAND.

14.—DAVIDSON, ELIZABETH, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY. A.	R.	P.
141	House, Buildings, and Homestead - - - -	- - -	1	1	37
346	Long Sick Close - - - - - - -	- - -	1	3	3
	Total - - - - - A.		3	1	0

Let from year to year, at £. 11. 10. per annum.

This is a cottage occupation of a very useful kind, as it enables the keeping a cow, and establishes a link in the social scale between the pauper and the farmer, which it is very desirable to maintain. It is not open to the objection of the loss of power in the appropriation of horse labour which applies to arable holdings, such as Radford's and Rose's; on the contrary, it gathers up the labours of the female part of the family in milking and managing the dairy, and prepares the young ones for farm domestic service. The rent is a trifle too high.

We have, under Knight's, advised that 117 and 121 should be attached to cottages, and we are of opinion that in case of the enlargement of Gray's holding, and the taking down his buildings, it may be desirable to appropriate 114 and 116 to the like purposes.

The tenantry of larger holdings will possibly object, but it is not desirable to sacrifice to their views an available means of raising the condition of the labourers.

In the choice of tenants for such holdings regard should, however, always be had to the recommendation of the larger tenants, and so a system of encouragement of good and thrifty labourers established.

15.—UNWIN, JOSIAH, Occupier.

NO. ON PLAN.	DESCRIPTION.	CULTIVATION.	ESTIMATED QUANTITY.
			A. R. P.
142	House and Homestead - - - - - -	- - -	1 0 18
345	Crow Close - - - - - - - -	- - -	2 0 2
	TOTAL - - - A.		3 0 20

Let from year to year, at £.9. 12. per annum.

This is of the same class of occupation as Davidson's, and the remarks there made are applicable to this. The rent is rather low.

16.—COTTAGE OCCUPIERS.

NO. ON PLAN.	DESCRIPTION.	ESTIMATED QUANTITY.	
		A. R. P.	
	FREEMAN, THOMAS, and another:		
Pt. 115	Tenement and Yards - - - - -	0 1 12	Let from year to year, at £. per annum.
	GILBERT, JOHN:		
Pt. 115	Tenement and Garden - - - - -	Part of above -	Let from year to year, at £. per annum.
	SCATCHARD, JOHN:		
Pt. 130	Blacksmith's Shop - - - - - -	- - -	Let from year to year, at £. 1 per anuum.
	UNWIN, MARY:		
Pt. 130	Small House and Garden - - - -	0 0 20	Let from year to year, at £.2. 10. per annum.
	HENTON, HENRY:		
Pt. 145	House and Garden - - - - - -	0 0 28	Let from year to year, at £.3 per annum.
	WRIGHT, WILLIAM:		
Pt. 145	House, Garden, and Orchard - - - -	0 0 28	Let from year to year, at £.3 per annum.
	NORWELL WOODHOUSE, Overseers of Poor:		
478	Mud Hovel and Gardens adjoining poor-house -	0 1 5	Let from year to year, at £.1. 10. per annum.

The whole of the cottages stand in need of some repairs; they have in general been performed by the respective landlords.

SUMMARY.

Present Holdings.

	Quantity. A.	R.	P.	Rent. £.	s.	d.
1. John Caudwell	55	3	27	105	–	–
2. Joseph Curtis	176	0	6	232	6	–
3. Samuel Curtis, jun.	162	0	14	221	15	–
4. John Gray	67	0	26	105	10	–
5. William Knight	111	3	32	173	–	–
6. Thomas Marshall	31	2	7	50	–	–
7. Hannah Pearce	32	1	16	39	10	–
8. Joseph Pearce	94	2	20	116	–	–
9. Thomas Radford	12	1	18	21	–	–
10. John Rose	13	3	20	25	–	–
11. Joseph Templeman	40	3	4	70	–	–
12. Thomas Wilson	25	2	23	63	–	–
13. Ann Buttery	26	0	0	80	–	–
Cottages with Land.						
14. Elizabeth Davidson	3	1	0	11	10	–
15. Joseph Unwin	3	0	20	9	12	–
16. **Cottagers.**						
1. Thomas Freeman	0	1	12	—		
2. John Gilbert						
3. John Scatchard	0	0	20	1	–	–
4. Mary Unwin				2	10	–
5. Henry Henton	0	0	28	3	–	–
6. William Wright	0	0	28	3	–	–
7. Overseers of Norwell Woodhouse	0	1	5	1	10	–
Total A.	857	3	6	£. 1,334	3	–

SUMMARY.—Proposed Holdings.

	Quantity. A.	R.	P.
1. Joseph Curtis (with Pearce's Homestead)	205	1	25
2. Samuel Curtis	202	3	39
3. John Gray (with Caudwell's Homestead)	83	0	39
4. William Knight (with Joseph Curtis's Homestead)	146	1	33
5. John Marshall	49	0	21
6. Joseph Pearce (with Wilson's Homestead)	91	1	28
7. Thomas Radford (with Rose's Homestead)	26	0	38
8. Joseph Templeman	40	3	4
Transferred — John Caudwell. Hannah Pearce. Thomas Wilson. Ann Buttery.			
	A.	R.	P.			
2. Cottages with Land	–	–	–	6	1	20
7. Cottages and Smithy (as at present)	1	0	13			
Cottage, &c., Caudwell's	1	2	24			
2. Cottages, &c., Wilson's	–	–	–			
Land to be added from Knight's	1	1	35			
				4	0	32
To vicarage — from Knight's	1	1	11			
from Wilson's	0	0	36			
				1	2	7
Total A.				857	3	6

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 27 Nov. 1850.

NORWELL ESTATES.

IN compliance with the instructions contained in your letters respectively of the 4th and 8th instant, we availed ourselves of a journey in the vicinity on other business to view the Woodhouse Common Farm, and confer with the applicant, Templeman, and others, on the subject of his application.

On the whole, we are of opinion that it is advisable for a short time to defer the letting of this farm, as should the Board shortly come to a determination on the subject of our general Report on the management of these estates, it may be desirable that the terms of letting this farm should have reference to such determination.

In the meantime we feel it our duty to point out that the results of the late harvest, as regards the spring crop in this locality, is so deficient, as, added to the continued low prices, to render the tenants' difficulties now more urgent.

We found also that the Duke of Newcastle and Mr. Vere, proprietors in the neighbourhood, are now added to those who have made a per-centage reduction upon their rentals.

We are therefore of opinion, that besides the prospective improvement of the estate recommended in our former Report, it has become desirable that the Ecclesiastical Commissioners should afford the tenantry some more immediate relief.

We advise that this be by a temporary allowance of 15 per cent. out of the Lady-day and Michaelmas rents, to be expended in artificial manures. This mode of applying the allowance will operate to the immediate advantage of the tenants, and improve the condition of the estate.

If the Board see fit to adopt this recommendation, it appears to us desirable that an early intimation of it should be given to the tenantry.

(signed) *Pickering & Smith.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 3 December 1850.

NORWELL ESTATES.—IN HAND.

HAVING reference to the interview with the Earl of Chichester on Wednesday last on our Report herein of the 27th ultimo, we beg leave to advise as follows:

1st. That the allowance of 15 per cent. recommended be made on the half-yearly rent respectively due at Michaelmas 1850 (now payable), and at Lady-day 1851, on all the farm occupations, as follows, viz.:

TENANTS.	RENT.	ALLOWANCE ON RENT DUE	
		MICHAELMAS 1850.	LADY-DAY, 1851.
	£. s. d.	£. s. d.	£. s. d.
1. John Caudwell	105 – –	7 17 6	7 17 6
2. Joseph Curtis	232 6 –	17 8 6	17 8 6
3. John Gray	105 10 –	7 18 3	7 18 3
4. William Knight	173 – –	12 19 6	12 19 6
5. Thomas Marshall	50 – –	3 15 –	
Ditto (at Lady-day)	75 7 –	– – –	5 13 –
6. Hannah Pearce	39 10 –	2 19 3	
7. Joseph Pearce	116 – –	8 14 –	
Ditto (at Lady-day)	130 3 –	– – –	9 15 3
8. Thomas Radford	25 – –	1 17 6	1 17 6
9. John Rose	21 – –	1 11 6	1 11 6
10. Joseph Templeman	70 – –	5 5 –	5 5 –
11. Thomas Wilson	63 – –	4 14 6	4 14 6
12. Ann Buttery	80 – –	6 – –	6 – –
13. Elizabeth Davidson	11 10 –	– 17 3	– 17 3
14. Joseph Unwin	9 12 –	– 14 4	– 14 4
TOTAL RENT £.	1,101 8 –	82 12 1	82 12 1
Allowance at 15 per cent		£. 165 4 2	

The rent of the tenant, Samuel Curtis, who is leaving his farm, amounting to 221*l.* 15*s.*, is not included in the above.

2d. Should we be directed to make the allowances at our discretion, we propose to exercise it as follows:—

To Nos. 13 and 14, being small amounts, we should make the allowance wholly in money.

Nos. 1 and 11 are parties holding under lease, who have neglected their repairs, and we should apply both the present and spring allowance in the performance of a part of those repairs, but without prejudice to the right of the Ecclesiastical Commissioners to enforce the completion of them.

To the rest (except 10 and 12) we should make the present allowance in linseed cake, being the most usual season for its consumption; and the Lady-day allowance in money, as the season of the greatest outlay.

To Nos. 10 and 12 linseed cake is not applicable, as they are without farmyards for its consumption; in these cases we should substitute such artificial manure as the tenant may prefer.

In putting forward these suggestions to meet the immediate exigency, we by no means intend them as a substitute for the prospective improvements of the estate recommended in our general Report, and which, if resolved on, it is desirable should be forthwith proceeded in.

(signed) *Pickering & Smith.*

Letter from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 4 December 1850.

Norwell Estates Drainage.

We are directed by the Committee to state, for the consideration of the Board to-morrow, our views as to the mode in which the drainage of this estate should be effected.

We are of opinion that it should be carried on simultaneously over the greater part of the estate, on the principle, in the judgment of the agents of the Board, best adapted to the soils; if entrusted to ourselves, we should forthwith lay out on each farm the extent of work to be performed in the present season, and proceed to make contracts in sections severally for the materials and labour, instituting an efficient control and inspection to secure its proper performance.

The extent to be performed in the present season will depend in some measure on the supply of materials, and on the degree in which the tenants may be prepared to supply the team labour, but we think a vote of credit to the amount of 100*l.* a month would be requisite for each of the ensuing four months.

(signed) *Pickering & Smith.*

Letter from the Assistant Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 6 December 1850.

Norwell Estate.

I am directed to authorise you to carry out the suggestions of your Report of the 27th ultimo, relative to a per-cent. allowance on the rents of this property, as explained by your Report of the 3d instant.

(signed) *J. J. Chalk.*

Letter from the Assistant Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 6 December 1850.

Norwell Estates.

I am directed by the Ecclesiastical Commissioners for England to request that you will forthwith take steps for carrying into effect so much of the suggestions relative to drainage which are contained in your Report of the 21st October last as are specially detailed in your Supplemental Report of the 4th instant.

The funds necessary for this purpose will be available whenever you may certify that payments are due in this respect.

(signed) *J. J. Chalk.*

LETTER from the Assistant Secretary to *R. B. Barrow*, Esq.

Dear Sir, Whitehall-place, 14 December 1850.

NORWELL ESTATE.

THE Ecclesiastical Commissioners for England have, upon the advice of their surveyors, consented to make a reduction to the extent of 15 *l.* per cent. on the rack-rents of this property for the current year, such deduction to be employed at the discretion of Messrs. Pickering & Smith.

You will therefore have the goodness to give the several tenants credit accordingly, on production of certificates to this effect from the surveyors.

(signed) *J. J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 4 February 1851.

NORWELL ESTATES IMPROVEMENT.

WE beg leave to inform you that, in pursuance of our instructions herein of the 6th of December last, we have expended the sum of 250 *l.* on account of the drainage works, and we have to request that, in accordance with the intimation in our instructions, that the funds necessary for the purpose will be available whenever we may certify that payments are due, in that respect a check may be paid us of 250 *l.* in discharge of this advance.

(signed) *Pickering & Smith.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 12 June 1851.

NORWELL ESTATES.

ON the 8th November last, we received the instructions of the Ecclesiastical Commissioners for England to take the necessary steps for securing a tenant for the Woodhouse Common Farm, previously in the occupation of Mr. Samuel Curtis, who had given notice to quit; and, on the 6th December, we received instructions to carry into effect such of the suggestions relative to drainage contained in our Report of the 21st October as were specifically detailed in our Supplemental Report of the 4th of December.

We have now completed all the draining which the course of cultivation in the present year renders practicable, and we forward herewith a statement of the same, exhibiting the extent performed on each farm, and the separate and total cost. It comprises a portion in each of the farms, except those of Caudwell's and Wilson's, in lease, as to which we did not deem it expedient to make any outlay until they had fulfilled the conditions of their leases as to repairs and cultivation, to which we had drawn attention in our Report of 21st of October.

The draining which remains to be done in future years will be performed at somewhat less expense than in the present, as there has this year been a considerable competition for tiles and labour from some adjacent estates, which, in the next year, will have subsided.

If the Ecclesiastical Commissioners authorise the residue of the drainage to be carried on from year to year till all is completed, it is desirable that we should be directed forthwith to make contracts for tiles for the ensuing year, by which means the cost of them will be abated, and some inconveniences which we have this year sustained be avoided.

We let the Woodhouse Common Farm in the middle of March to Mr. W. Morley, of whose character and means we had received satisfactory testimonials. The rent agreed, 183 *l.* 10 *s.*, with 6 per cent. in addition for any outlay that may be made in additional buildings, and 6 per cent. for any draining of which the carriage should be performed for him, and 5 per cent. if performed by himself, to be subject to a valuation, with the residue of the estate, at the end of four years (as advised in our October Report), regard being had in the valuation to any tenant's improvements effected in the interval.

In our Report of the 21st October we stated that there was no farm-house upon this farm. The present tenant will require one to be built, as it is not advisable to again let it to an off-living tenant. We have to request authority to carry this into effect.

The first application we received for it was from Mr. Joseph Templeman, who is already a tenant on this estate, and also a freeholder. We had, in our Report, advised that the land which he now occupies should, for the reasons therein assigned, be withdrawn from him at

the first convenient opportunity, and we availed ourselves of his application to require this from him, but he did not comply, and we consequently declined to let him the farm now in question, for which he else would have been eligible.

It is desirable that no time should be lost to provide the house for Morley; and we advise that we, at the same time, be authorised to obtain plans, specifications, and estimates of such other alterations and improvements of buildings on the estate as appear to be at present desirable. If so authorised, we propose to lay them before the Ecclesiastical Commissioners, with a statement of the grounds on which they may severally be, in our judgment, necessary, for their consideration and approval.

We have under consideration a form of provisional agreement applicable to the circumstances of this estate, until the revision which we have proposed shall take place, on the completion of the improvements.

(signed) *Pickering & Smith.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 14 June 1851.

NORWELL ESTATES.

I AM directed by the Ecclesiastical Commissioners for England to authorise you to make arrangements for continuing the drainage of these estates, and also to procure plans, specifications, and estimates for the erection of a house for Woodhouse Common Farm, and such other alterations and improvement of buildings as appear to be at present desirable, agreeably to the suggestions contained in your Report of the 12th instant.

(signed) *J. J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 18 April 1853.

NORWELL ESTATES IMPROVEMENTS.

WE received instructions, dated the 14th of June 1851, to obtain plans and specifications for such alterations and improvements in the buildings on this estate as might seem to us desirable, and to submit the same for the approval of the Commissioners; we took some steps in it during last year, but the negotiation of the treaty for Mr. Wyld's leasehold made it expedient to defer it until the result of that transaction was ascertained.

We have now obtained plans and estimates for all the principal works required, amounting to more than four-fifths of the whole, and forward them herewith.

The first is for the erection of a new farm-house and outbuildings to the farm in the occupation of William Knight, containing 111 A. 3 R. 32 P., at the rent of 173 *l.* per annum. In our Report on this estate in 1850, we pointed out the extreme state of decay of the existing buildings.

Drury, one of the tenants on that late Wyld's, at our last audit signified a wish to relinquish his farm, and as it will be to the benefit of the estate that this farm should be broken up and attached to Knight's and Pearce's, we have given him notice to quit. Upwards of 100 acres will be laid to Knight's, superseding the occasion for a considerable expenditure on Drury's, which will now merge in the estimate for Knight's. This estimate is 520 *l.*, and for the farm buildings 735 *l.*

The next farm for which we submit plans is that of Pearce's, containing 103 A. 2 R. 30 P., at 126 *l.* per annum. The estimate is 285 *l.*

This farm is deficient in grass land, and we propose to supply it from Drury's, and to add some contiguous arable land, occupied at present, from farm buildings, nearly two miles distant. These additions will increase Pearce's farm to upwards of 150 acres.

The third plan is for necessary additions to Morley's farm, containing 162 acres, and let at 183 *l.* 10 *s.* per annum. He is under agreement to pay interest on the outlay.

We shall be glad of an authority to execute these works in the present year, at an outlay not exceeding that stated in the accompanying estimates.

We have pleasure in reporting an improvement in the management of several of the tenants, which keeps pace with the improvement of the estate. We are quite satisfied, that on the redistribution and valuation of the estate next year, the policy of the expenditure will be very amply borne out.

(signed) *Pickering & Smith.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 22 April 1853.

NORWELL ESTATE.

I HAVE submitted to the Ecclesiastical Commissioners for England your Report herein of the 18th instant, setting forth the improvements which you propose to effect on this estate; and I am directed by the Commissioners to authorise you to carry out the several arrangements set forth in such Report, according to the plans, and on the terms therein specified.

(signed) *J. J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 7 June 1853.

NORWELL BUILDINGS.

WE arranged with Mr. Noble, whose plans and estimates, with his offer to perform them, we laid before the Board on the 18th of April, that, on entering into sufficient sureties, he should proceed in the work, under the superintendence of Mr. Horsford, who had very efficiently directed the works at Brampton.

For the purpose of increased stability, Mr. Horsford advised some slight alterations, which are stated in the accompanying Report.

On the 11th May Mr. Noble wrote, that he could not find the required sureties, and we invited tenders from eleven other parties; but in consequence of the press of business several declined to tender. We, however, received four, the lowest of which we forward herewith.

The variations from the specification which Mr. Horsford advised are estimated at the additional cost of 98 *l.* 16 *s.* These additions are in conformity with the specifications on which the accompanying offers are made.

Mr. Noble's offer did not extend to these, and as the alterations advised in Mr. Horsford's Report would have raised his undertaking to the sum of 1,763 *l.* 16 *s.*, we advise that Mr. Vallance's tender at 2,000 *l.*, which includes the whole, be accepted.

(signed) *Pickering & Smith.*

LETTER from *James Horsford,* Esq. to Messrs. *Pickering & Smith.*

NORWELL BUILDINGS.

Mr. *Knight*'s House.

Gentlemen,

I BEG to report, that the alterations I propose to make in the plans and specifications furnished by Mr. Noble are as follows; viz.—(they are absolutely necessary for the stability of the building).

	£.	s.	d.
1st. The extra thickness of walls to the three large rooms, increasing the expense	10	12	6
2d. Increase in size of timbers in floor joists and roof, ditto	4	10	–
3d. Additional coat of paint and oger spouting, in lieu of half round, ditto	3	15	–
4th. To have inch framed grounds to receive plastering, and size of pump barrel increased	1	18	–
5th. Two tiers of iron hooping, set, bedded, and grouted in cement	4	17	–
6th. Using Williams' patent slate hips and ridge in lieu of stone, and altering two of the windows	5	10	–
£.	31	2	6

FARM BUILDINGS at Mr. *Knight*'s.

	£.	s.	d.
7th. I consider that setting the farm buildings close to road would be a vast improvement, besides the saving of land, and making the buildings more secure, increasing the expense - - - - -	26	–	–
8th. One tier of iron hooping as before described - - - - -	6	–	–
9th. The brickwork to mangers to be in cement, with an oak manger-rail to ditto - - - - - - - - - - -	4	10	–
10th. Increasing the size of timbers to roofs, adding queen heads, and the boarding to be one-inch in lieu of three-quarter inch - -	12	16	–
11th. Putting brick piers to strengthen walls in ox hovel, with extra standings and water troughs - - - - - - -	8	14	–
12th. Inch ventilators in roofs to all the sheds - - - - - -	4	17	6
13th. Williams' patent slate hips and ridge - - - - - -	4	16	–
	67	13	6
House - - - -	31	2	6
TOTAL - - £.	98	16	–

The other farm buildings are in the same proportion, taking off the first item, 26 *l.*, leaving 41 *l.* 13 *s.* 6 *d.*

Mr. Knight's farm not having plans or any other particulars, I cannot give a full report of the other buildings, but the amount is increased in the same proportion as Mr. Knight's. There is also to be taken into consideration the rise in the price of materials and labour, making a difference of 12½ per cent.; this added to Mr. Noble's contract, would, in some measure, account for the difference between the estimates.

Bedford, 4 June 1853. (signed) *James Horsford.*

LETTER from Mr. *G. Vallance* to Messrs. *Pickering & Smith.*

VALLANCE'S PROPOSAL.

Gentlemen, Mansfield, 31 May 1853.

I PROPOSE to erect the whole of the buildings at Norwell and Norwell Woodhouse according to plans and specifications prepared by Mr. Horsford, for the sum of 2,000 *l.*

(signed) *Geo. Vallance.*

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 14 June 1853.

NORWELL ESTATE.

I HAVE laid before the Ecclesiastical Commissioners for England your report herein of the 7th instant, and am directed by them to authorise the additional works therein referred to, and also the acceptance of Mr. Vallance's tender for the execution of them, and of those which are mentioned in the letter I addressed to you on the 22d of April last, at the aggregate sum of two thousand pounds. (2,000 *l.*)

(signed) *J. J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 15 August 1854.

NORWELL.—Repairs and Alterations of Buildings.

WE have carried out the instructions for the execution of the main portion of these buildings, dated the 14th of June 1853, and we beg now to submit particulars of several smaller cases, amounting in the whole to 669 *l.* 8 *s.* 1 *d.*; in respect of which, specific additions will be made to the rental of upwards of 30 *l.*, at the same time that the condition and general arrangement of the property will be considerably improved.

We have to request the sanction of the Ecclesiastical Commissioners to this outlay.

A summary is given at the end.

(signed) *Pickering & Smith.*

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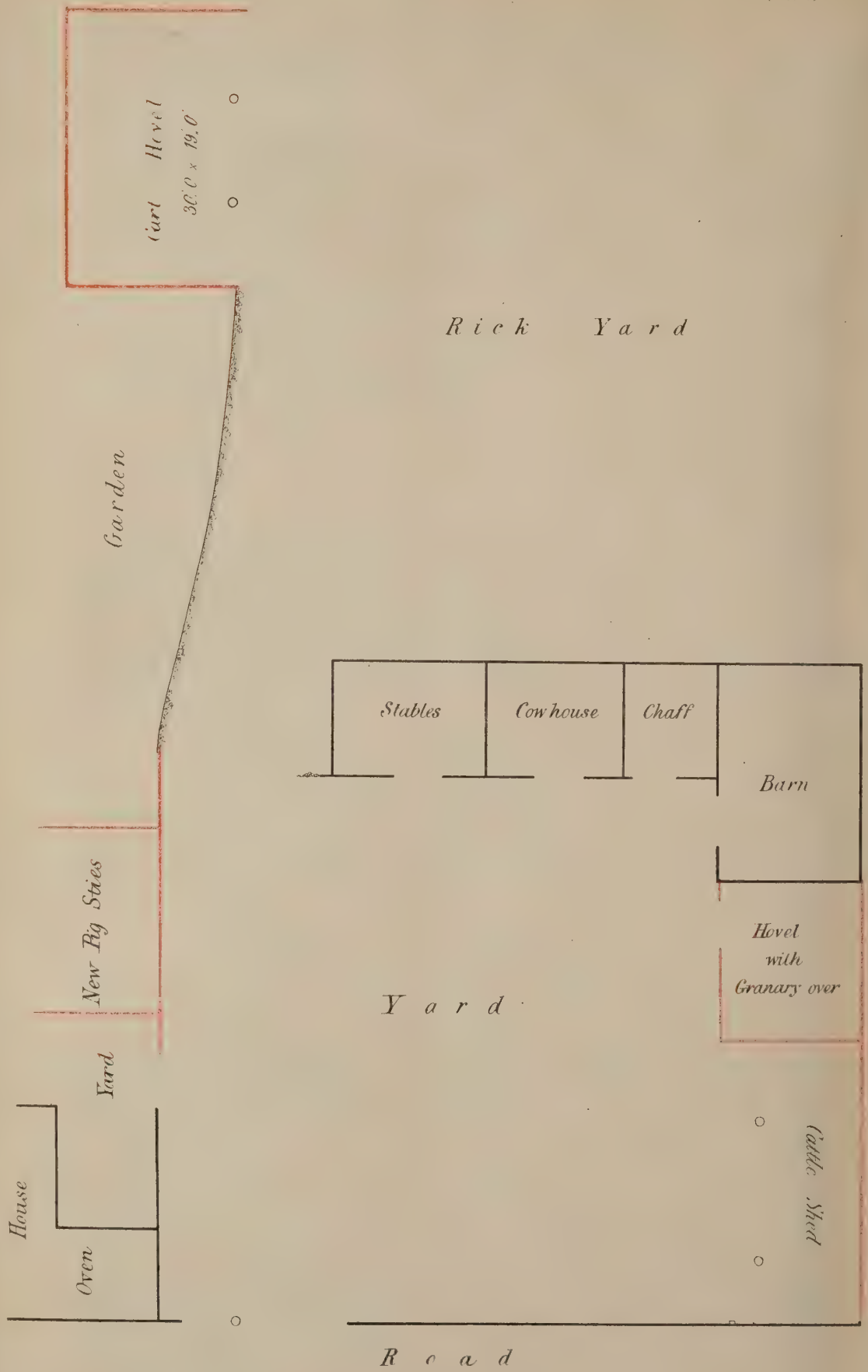
(B.2.)



Nº 174. Ordered, by The House of Commons, to be Printed, 25th April, 1856.
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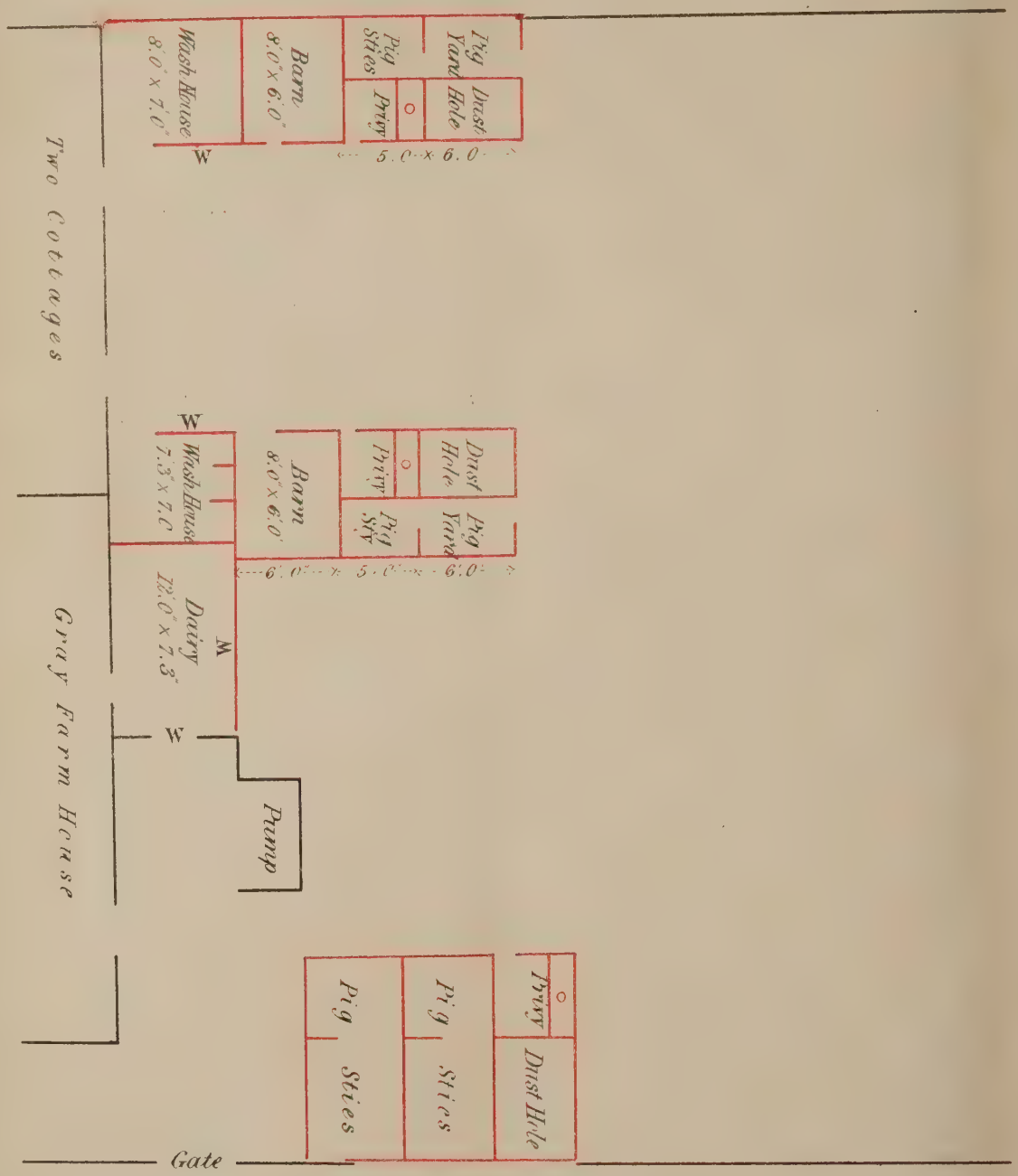
(B 1)



Nº 174. Ordered, by The House of Commons, to be Printed, 25th April 1856.
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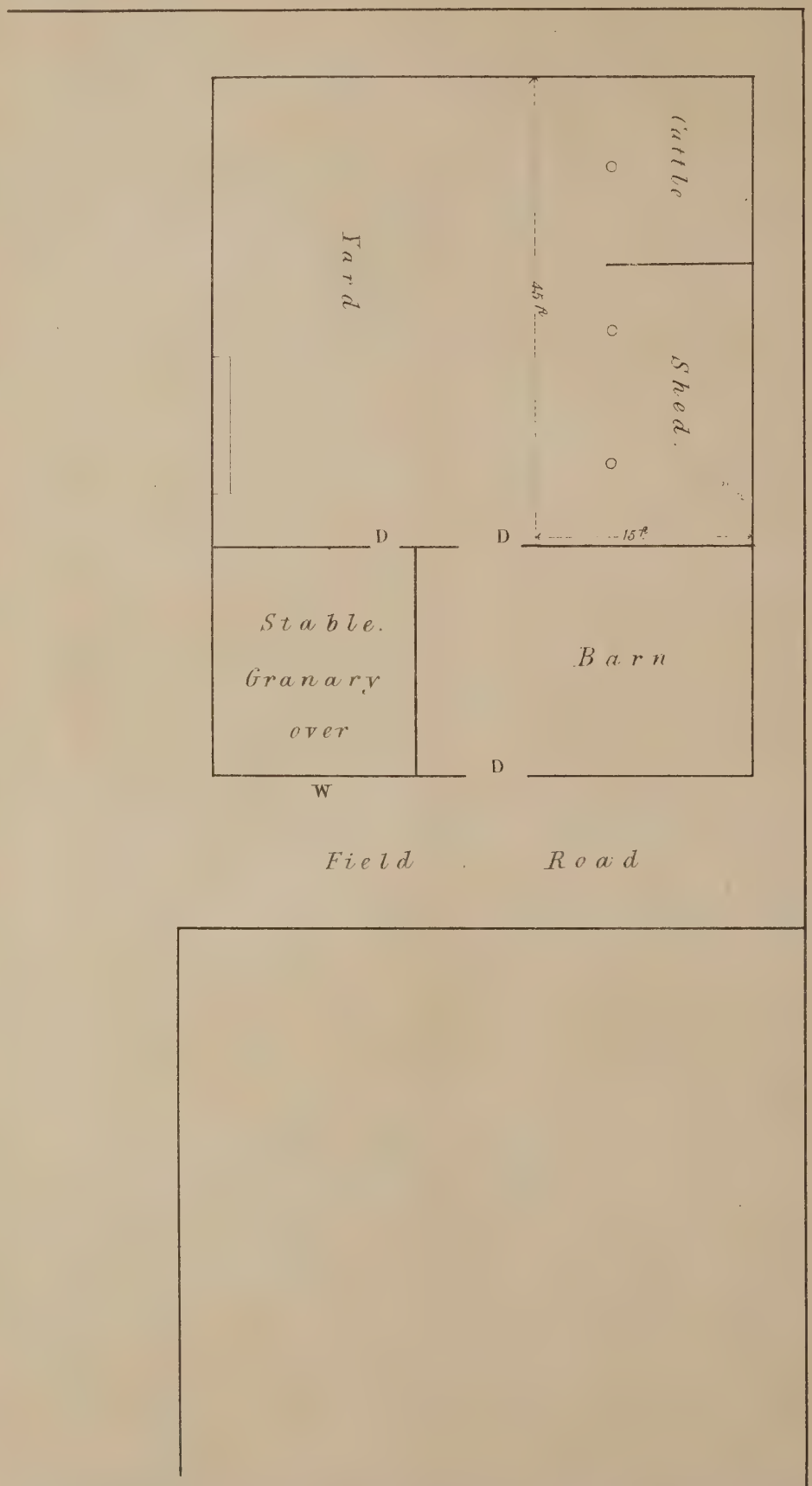
(A.)



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Norwell Buildings and Repairs.

No. 1.—Templeman.

This tenant is the occupier of about 40 acres of land, which is situated at upwards of a mile from any farm buildings of this estate. The works consist in the removal of a portion of the buildings from a farmstead, late Drury's, the land appertaining to which has been divided and attached to those of Knight and Joseph Curtis.

Eventually the buildings will be available for about 60 acres of additional adjoining land, lying still further from the farmstead.

The estimated cost is 158 *l.* 17 *s.*, and the tenant, in respect of the expenditure, agrees to pay 8 *l.* per annum.

Specifications for sundry Works to be done at Norwell, in the county of Nottingham, for the Ecclesiastical Commissioners.

Farm buildings for Mr. Templeman removed from late Drury's.

Remove the barn from Mr. Drury's; use up the old materials as far as will apply, finding as much new as may be required to complete the whole of the works; the cattle-shed to be 45 feet long, with the division wall as shown on the margin;* old oak post may be used standing on stone; the back wall to be 6 feet 6 above ground line; the yard wall to be 5 feet high, 18-inch half-brick piers, 10 feet apart, and to be coped with round coping brick, set in cement; the foundations are to be dug out two feet wide, and not less than 18 inches deep, and to be dug deeper if required; to put in concrete for foundations, but if of brick, to be nine inches wider than the respective walls above; the roof to cattle-shed to have front plate 7×5, back and end plates $4\frac{1}{2} \times 3$, tie-beam 9×3, purlines $7 \times 2\frac{1}{2}$, ridge $5\frac{1}{2} \times 1$, with struts $4\frac{1}{2} \times 3$, rafters $3\frac{1}{2} \times 2\frac{1}{2}$, and the joists and rafters not more than 12 inches apart; prepare and fix proper eaves, lath and pantile lath; the roofs are to be covered with pantile as far as will apply, and to find as many new as may be required (without rack manger); to hang the old gates from late Wilson's house, with a hand-gate to correspond, with new oak post 8×8; the pair of large doors to barn not to be put in, but a 4ft. 6 in. × 6 ft. 6 in. on the road side, and a smaller pair of doors on the yard side; to put $1\frac{1}{4}$ in. ledge door in proper frame, $4\frac{1}{2}$ by 4, to stable and granary; to put two bit-and-miss windows for stable and granary; provide and fix a stout step-ladder for granary; fix one beam for floor over stable 12×8, floor joist $7 \times 2\frac{1}{2}$, to be plaster floor and drawn underside; the new wood and iron-work painted three times over, and the old twice; the stables to be paved with pebbles or stone.

*See Plan (A.) annexed.

Norwell Buildings and Repairs.

No. 2.—Gray's.

The farm-house and buildings to which it is proposed to perform these repairs and alterations were heretofore in the occupation of Joseph Wilson; the land is transferred to Gray.

It is intended, out of the old farm-house, to make two cottage tenements besides Gray's farm residence. The alteration supersedes the repair of some very old farm buildings, chiefly of mud and thatch, in the valuation of which, for the purchase in 1845, a considerable reduction was made in respect of the dilapidations. The materials are in part from the farm buildings, late Drury's.

The estimated cost is 160 *l.* 10 *s.*; the rent of the tenements will be 8 *l.* a year.

Specifications for sundry Works to be done at Norwell, in the County of Nottingham, for the Ecclesiastical Commissioners.

Wilson's late farm-house now to be Gray's, and two cottage tenements.

To put a new street gate, to be 6 barred, and 10 feet long, and may be made out of 3 in. deals, $1\frac{1}{4}$ slates, 3 inches deep, the ground 5×3, head $3 \times 2\frac{3}{4}$, height 4 feet 6 inches; the old farm-house to be thoroughly repaired, the walls and ceilings cleaned and white-washed, and painted twice over; to put two new brick floors to bottom rooms, the attic and landing to be under-ceiled on rafters; to put inch deal staircase, and to be inclosed with $\frac{3}{4}$ deal; to make the old house into two cottages and a small farm-house; the dairy and out-offices to be built of brickwork, wall plates $4\frac{1}{2} \times 3$, purlines $7 \times 2\frac{1}{2}$, rafters $3\frac{1}{2} \times 2\frac{1}{2}$, ridge 5×1; to provide and fix 30 feet of shelf to dairy, remove the pigsties, build privy, ash-pits, &c., as shown on the margin;* to take down the dove-cot as far as may be required; to raise the brick wall, so as the roof may be in a line with the barn roof; floor joist for granary floor to be $7 \times 2\frac{1}{2}$, with plaster floor and drawn underside; provide and fix

*See Plan (B 1 & 2) annexed.

fix a strong step-ladder to go up out of barn into granary; to provide a new hit-and-miss window; to build a new beast hovel from end of dove-cot to street wall; scantling as before; to use up the old materials from Mr. Claydon's, as far as will apply; to be paved with stone; to build new waggon hovel of 9 inch brickwork on proper foundations, 30 feet long 19 feet wide from out to out; the roof to have two pair of principals, front plate 7 × 5, brick and end ditto 4½ × 3; rafters 3½ × 2½, with proper eaves, lath, and pantile lath; the joist rafters not to be more than 12 inches apart; old oak posts of stone patterns; the whole of the new wood and iron-work to be painted three times, and the old twice over.

The estimate for these buildings, including house and the two cottages, is - £.160 10 –

Norwell Buildings and Repairs.

No. 3.—Henry Gilbert.

This repair and alteration is to a stud, mud, and thatch tenement, heretofore Mary Freeman's, let with a garden at 4 *l.* per annum, and now to be attached to Gilbert's occupation at 6*l.* per annum.

The estimated cost is 38 *l.*, and the improved income 2 *l.* per annum.

Specifications for sundry Works to be done at Norwell, in the County of Nottingham, for the Ecclesiastical Commissioners.

At Mr. *Gilbert's* House.

Old roof and thatch to be taken off; to carry up the brick walls to 6 feet high; to put on roof and cover it with pantiles; use up the old, as far as will apply; the chamber to be ceiled up to purline; to make an enclosed lobby to outer doors, as shown in the margin;* carry up 9 inches brick walls 6 feet 6 inches high, on proper foundations, and the plates to roof and cross walls to be 4½ by 3; rafters 4 × 2; purlines 4½ × 3; ridge 5½ × 1, with proper pantile and eaves lath; the whole to be paved with stone laid to a fall; to put inch ledge doors, hung in proper frames; to fix a manger to cow-house; to paint new wood work three times, old twice over.

*See Plan (C.) annexed.

The estimated cost is 38*l.*

Norwell Buildings and Repairs.

No. 4.—*Josiah Onion.*

This tenant is in the occupation of a decayed stud, mud and thatch tenement, part of the property heretofore Mr. Eyre's, which is past restoration.

The proposed expenditure is on two tenements, part of the purchase in 1853 from Bradley's devisees, one of which, together with the cow-shed, it is proposed to appropriate to Onion, in substitution for the present decayed tenement.

The cost is estimated at 52*l.*, for which an addition of 2*l.* 12*s.* per annum will be made, partly to Onion's rent, partly to that of the occupier of the second tenement.

Specifications of sundry Works to be done at Norwell, in the County of Nottingham, for the Ecclesiastical Commissioners, in the Alteration and Repair of two Cottage Tenements occupied by

To build a new cowhouse, privies, and barns and pigsties, as shown in the margin,* with 9-inch brickwork, 7 feet high, on proper foundations, the plates to roof and cross walls to be 4½ × 3, rafters 4 × 2, purlines 4½ × 3, ridge 5½ × 1, with proper tiling and eaves lath, cover the roof with pantiles; to put inch ledge doors, hung in proper frames, 4½ × 3; to fix manger to cowhouse; fix water-closet seat and riser; to take off the roof and tiles of lean-to, carry up the walls of a sufficient height, so as to make two new bedrooms, one for each house; to put new floor-joist, 6 × 2, with ¾-floor; to put on the roof and tiles, finding as much new of the same description; fix in three new windows, 3 feet square, of 1½ sashes; to put a new inch deal staircase, and enclose the same with ⅞ rebated boarding; to relay dairy floor, and the floor to be sunk two steps; to paint the whole of the new work three times in oil, and the old work twice.

*See Plan (D.) annexed.

The estimate for these works is 52*l.*

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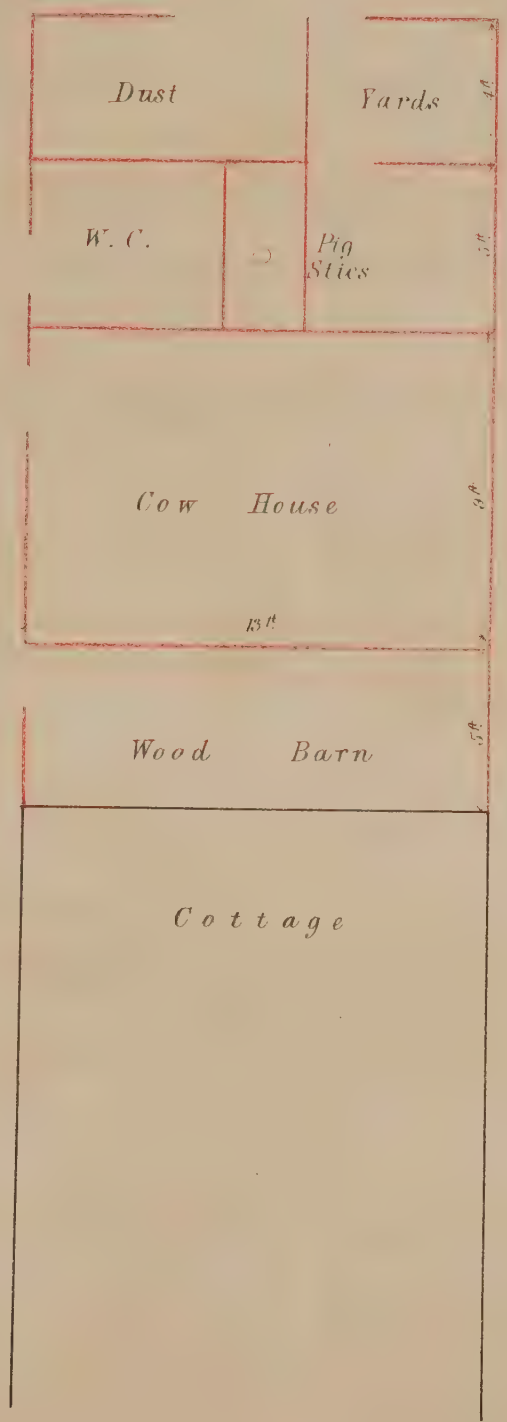
(C.)



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(D.)

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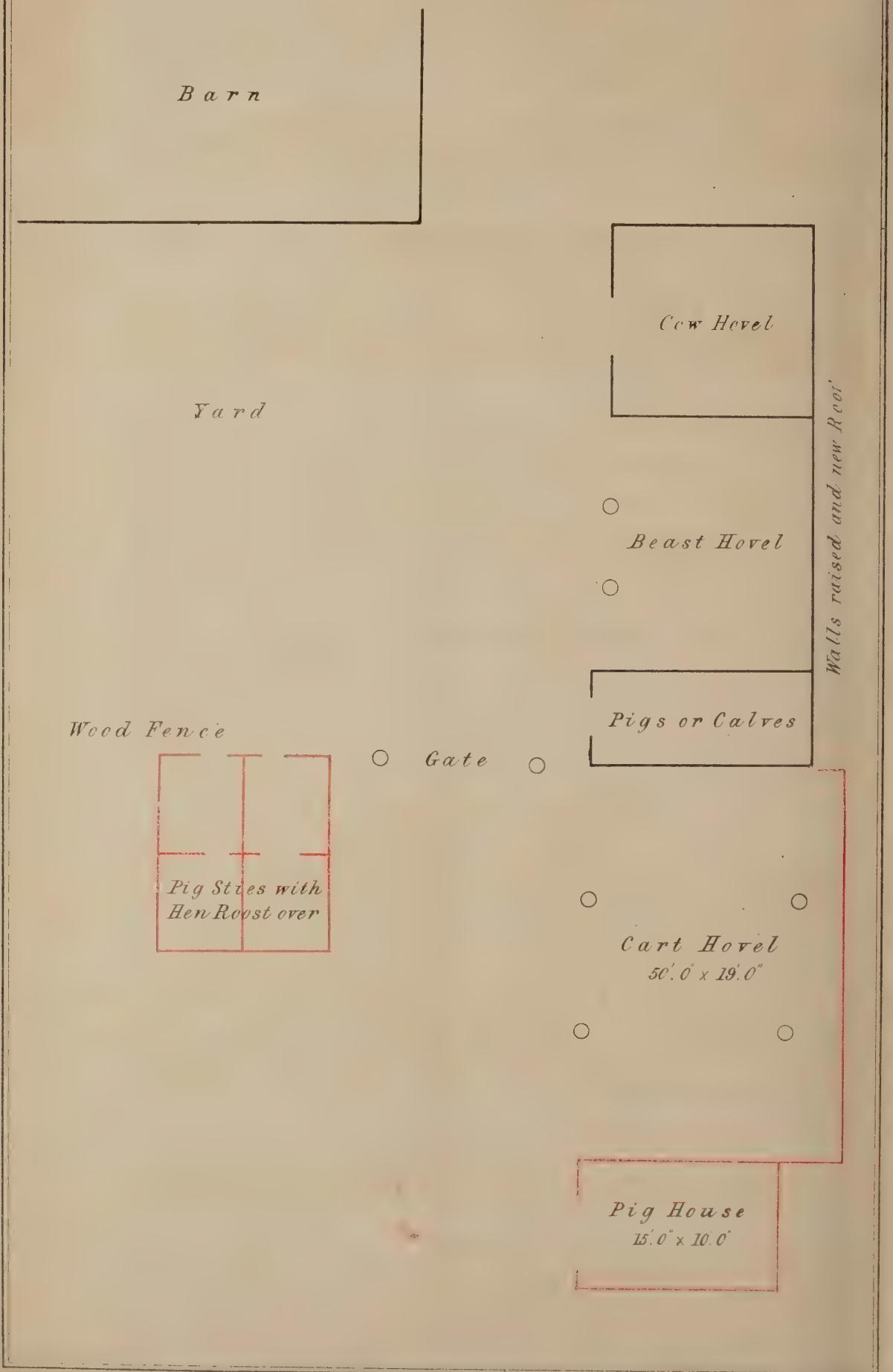
(E.)



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N°.174. Ordered, by The House of Commons, to be Printed, 25th April, 1856.

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Norwell Buildings and Repairs.

No. 5.—Rev. *O. Claydon*, late *Drury*.

By the attaching of Drury's land to the farms of Josh. Curtis and Knight's, the farm-house is set at liberty for occupation as a private residence; and we have let it for the current year to the Rev. Mr. Claydon, who is the officiating clergyman of a neighbouring parish.

The present proposed expenditure is in the partial adaptation of it to such occupation.

A cost of 5*l.* 11*s.* 3*d.* was incurred in some repairs effected on Mr. Claydon's entry. The present estimate is 8*l.*, together 13*l.* 11*s.* 3*d.*; the rent of 16*l.* per annum.

Specifications of sundry Works to be done at Norwell, in the County of Nottingham, for the Ecclesiastical Commissioners.

At the Rev. Mr. *Claydon's* (late *Drury's*).

After the cow-shed is taken away to erect a 9-inch brick wall on proper foundations, cope the same with brick in cement; to put oak post and inch ledge door, hung with proper hinges; make good pitching, &c. to new lead, and glaze five windows when convenient to the tenant.

	£.	s.	d.	£.	s.	d.
The estimate for these works is - - - - - -	-	-	-	8	-	-
Repairs performed:						
41 yards of painting, 2 oils, 150 run of spouting, painting 4 casements - - - - - - - - - -	2	3	5			
3 days, 1 joiner repairing wood work, 11 ft. of inch boarding, 1 knot of sash cord - - - - - -	1	-	8			
7½ dozen screws, 200 nails, 1 latch and screws, iron work - - - - - - - - - -	-	10	6			
23 ft. 6 in. of 1¾ sashes, 24 ft. of glazing; man pointing up - - - - - - - - - -	1	16	8			
				5	11	3
			£.	13	11	3

Norwell Buildings and Repairs.

No. 6. Present Tenant, *Thomas Marshall*.

The land at present occupied by this tenant is 54 A. 3 R. 13 P., of which 23 A. 1 R. 16 P. is a mile distant; it comprises the part coloured yellow.* The house, barn, and stable are very good, and adapted to the occupation of a larger farm. It is deficient in respect of the proposed additions.

** Vide* Plan No. X, at the end of Appendix.

The tenant farms badly, and is very irregular in the payment of his rent; and we propose at Lady-day to replace him by another of the tenants.

It is then desirable to detach from the farm the outlying 23 A. 1 R. 16 P., and to add to it the parcels coloured green; they have been hitherto occupied from the village of Norwell, at a distance of from one mile and a half to two miles.

The arrangement will make an eligible farm, 73 A. 3 R. 29 P., to which the house and building will be every way adapted, and it will readily command an adequately advanced rent.

The estimated cost is 107*l.* 2*s.* 6*d.*

Specifications of sundry Works to be done at *Norwell*, in the County of *Nottingham*, for the Ecclesiastical Commissioners.

At Mr. *Marshall's*.

To take down the dove-cote as far as may be required, and raise the brick walls to 8 feet in the clear, so that the roofs of gig-house, waggon-hovel, beast-shed, dove-cote, be all in a line. The size of the buildings are shown in the margin.* The foundations are to be dug out not less than 2 feet wide, and 1 foot 6 inches deep; to be dug deeper, if required. To carry up the walls in 9-inch brickwork to their several heights. The cart-hovel is to be carried out to 19 feet wide, with lean-to; the roofs are to be covered with pantiles;

** See* Plan (E) annexed.

pantiles; the cow-house, calf-house, and piggeries, to be paved with stone; the roofs to have 5 pair of principals, front plates, 8×5; other plates, 5×3; tie-beam, 9×3; struts, 4×3; rafters, 3½×2½; ridge, 5½×1; purlines, 7×2½-inch pantile. Lath and proper eaves, lath. To put rack and manger to beast-hovel and cow-hovel. To put oak posts on stone patterns, fix doors; frame to gig-house, 8 feet wide; 1¼ ledge doors, with proper fastenings. The pigsties to be of brick, with hen-roost above. Provide and hang two 1¼ doors, oak posts 6 inches square, joist over 4½×2; plaster floor. One new gate, with oak posts, 8×8. To put new yard fence, oak posts 6 inches square, rails 3×3; to be paled halfway up.

The estimate for these buildings is 107 *l.* 2 *s.* 6 *d.*

NORWELL ESTATE.—No. 7. Current Repairs.

We have directed the performance of the repairs over-leaf, under the following circumstances, to the payment for which we beg to ask authority.

1. *Morley*'s.

When this farm-house was completed in 1852, a deduction of 7 *l.* 10 *s.* was made from the contractor in respect of deficient workmanship and painting; and this expenditure of 3 *l.* 5 *s.* 8 *d.* is in respect of such deficiency.

2. *Marshall*'s.

The defective construction of the gutters was doing substantial damage to the roof timbers and works, which this work obviates, at a cost of 4 *l.* 4 *s.* 6 *d.*

3. *Joseph Curtis.*

By a decay of some principal timbers, the roof had sunk and the walls bulged out, to the imminent danger of the buildings and stock in it. In the consequent repair some additional accommodation is given, which will be appreciated on the revaluation of the property. Cost, 31 *l.* 14 *s.* 11 *d.*

4. *Gilbert*'s.

There was an omission from the original estimate of repairs of this house, which it was important to supply. Cost, 12 *s.* 3 *d.*

	£. s. d.	£. s. d.
1. *Morley*'s, Norwell Woodhouse:		
40 yards of painting to house, twice over - - -	1 1 8	
65 ft. run of spouting, 18 sash frames, 18 doz. sash squares - - - - - - - - - -	2 4 –	
		3 5 8
2. *Marshall*'s:		
5 lbs. of lead gutter, 240 lbs.; 36 ft. of valley boards; 10 ft. of iron spouting, and paint - - - - -	4 4 6	
		4 4 6
3. *Joseph Curtis:*		
1 iron window, glass and wood slides, and painting 8 ft. 8 in. cube of old oak posts; 139 ft. of 1½-in. brick, part old -	7 13 8	
594 ft. of pantile, striped and relaid; 40 ft. run of ridge, and repairing front; repairs to roof - - - - -	4 13 –	
54 ft. of beam filling; 30 ft. of plaster floor; to white-washing stable and loft - - - - - - - -	1 14 6	
12 yards of labour and sand to pitching; to repair wall for iron-work - - - - - - - - - -	1 7 6	
23 yards of brick floor, 17 ft. run of manger rail, 15 ft. 7 in. sup^{r} of inch manger, 1 pair of joints and latch - -	2 2 7	
60 ft. sup^{r} of inch boarding; 27 ft. of deal, 4½×3; 6 ft. of deal, 4×3 - - - - - - - - -	2 14 1	
36 ft. inch treads and risers; to fix rails on top of stairs, fix lock and screws - - - - - - - - -	1 3 6	
6 saddle pegs; to labour to wood-work to form pathway -	– 13 10	
16 yards of painting, two coats; iron-work to stable -	2 14 4	
		31 14 11
4. *Gilbert*'s:		
9 ft. 9 in. of wood sash, with glass and paint - - -	– 12 3	
		– 12 3
	£.	39 17 4

NORWELL BUILDINGS AND REPAIRS.

No. 8. *Knight*'s.

THE farm-house and buildings included in Mr. Vallance's contract, authorised last year, are now completed.

The exterior gates and fences were not included in the contract, and the specifications for their performance are stated below.

SPECIFICATIONS of sundry Works to be done at Norwell, in the County of Nottingham, for the Ecclesiastical Commissioners.

At Mr. *Knight*'s.

To take down old buildings at Mr. Gray's; to use the old bricks and stone as far as will apply.

To build a wall round garden on proper foundations, the wall next to yard to be 3 feet high, with $2\frac{3}{4}$ iron rods fixed through old oak posts on the top of wall, the whole of the wall to be coped with new rounded coping brick, set in cement. To provide and fix two large gates and two small gates to the two entrances, according to plan, with all new materials; 6 oak posts, 9 × 9, oak sill, 6 × 4, with oak spurs; the gates to be 4 feet 6 high, with all the hangings and fastenings complete. Make good on each side of back gates with stonework laid in courses; make good the pathway in front of house, put a new fence from kitchen to bakehouse, with oak posts, fir rails, in inch pales. The whole of the wood and iron work to be painted three times over.

The estimate for these works is 64 *l.*

NORWELL BUILDINGS AND REPAIRS.

No. 9.—Farm-house, late *Gray*'s.

IT is proposed to adapt this farm-house, for which No. 2 is substituted, to make three cottage tenements, calculated to produce 10 *l.* 10 *s.* per annum.

Estimated cost of alteration of House - -
Ditto - repair of Garden Fence - - } Not to exceed £. 36.

SUMMARY.

NO.	OCCUPIER.	COST. £. s. d.	IMPROVED INCOME. £. s. d.	REMARKS.
1	Templeman - - -	158 17 –	8 – –	
2	Gray - - - -	160 – –	8 – –	
3	Gilbert - - - -	38 – –	2 – –	
4	Josh. Onion and another -	52 – –	2 12 –	
5	Claydon, late Drury - -	13 11 3	- - -	An appropriation of a farm-house to private residence, at 16 *l.* per annum.
6	Marshall - - - - -	107 2 6	- - -	For concentration of holdings to afford adequate increased rent.
7	Current repairs - - -	39 17 4	- - -	This is the only item strictly of this description, and all the rest are investments.
8	Knight's - - - -	64 – –	- - -	The expenditure on these enable the erasure of two sets of farm outbuildings of mud, brick, stud and thatch, much decayed; of the appropriation of the farm-house, late Gray's, to three cottage tenements; and of Drury's farm-house as a private residence.
9	Late Gray's - - - } Ditto Fence - - - }	36 – –	10 10 –	
	£.	669 8 1	31 2 –	

LETTER from the Secretary to Messrs. *Pickering & Smith.*

Dear Sirs, Whitehall-place, 17 August 1854.

NORWELL ESTATE.

I HAVE submitted to the Ecclesiastical Commissioners for England your Report herein of the 15th instant, setting forth the further improvements which you propose to effect on this estate, and I am directed to authorise you to carry out the several arrangements contemplated in such Report, according to the plans and on the terms therein referred to, the cost not to exceed 669 *l.* 8 *s.* 1 *d.*

(signed) *James J. Chalk.*

LETTER from Messrs. *Pickering & Smith* to the Secretary.

Dear Sir, 14, Whitehall-place, 23 April 1855.

NORWELL ESTATE.

THIS comprises a wood of 44 acres, part of the purchase from Colonel Wylde's devisees. The underwood, owing to the considerable reduction in the price of coals and to local causes, is scarcely repaying the current expenses. A considerable extent of woodland has been cleared in the last three or four years on the adjoining property, without enhancing the value of that which remains.

The timber on this wood, prior to the lapse of the preferment, had been excessively cut, and there are now less than 50 trees to the acre, the greater part of which are very unpromising.

We advise that we be authorised to clear about 20 acres in the present, and 20 acres in the next year. We propose to leave a margin of about four acres on the side on which it adjoins Mr. Evelyn Denison's estate. The cost, together with draining, we estimate at 16*l.* per acre, of which cost the produce will pay two-thirds. The land will afterwards let at 1*l.* per acre.

(signed) *Pickering & Smith.*

The Secretary to Messrs. *Pickering & Smith*, 14, Whitehall-place.

Dear Sirs, Whitehall-place, 28 April 1855.

NORWELL ESTATE.

I HAVE submitted to the Ecclesiastical Commissioners for England your Report herein of the 23d instant, setting forth the improvements which you propose to effect on this estate, and am directed to authorise you to carry out the arrangements set forth in such Report in the mode and on the terms therein specified.

(signed) *James J. Chalk.*

NORWELL ESTATE.

TENANCIES.

LETTER from Messrs. *Pickering & Smith* to *Joseph Denman*, Esq.

Dear Sir, 14, Whitehall-place, 23 March 1854.

NORWELL CHANGES of TENANCY, LADY-DAY 1854.

THE lands now in the occupation of Mr. Drury will be, from Lady-day 1854, apportioned as follows:—

	NO.	A.	R.	P.	A.	R.	P.
To Mr. Knight, Pt.	74	3	2	0			
„	80	11	0	16			
„	310	6	3	13			
„	311	6	2	37			
„	312	4	1	39			
„	313	5	2	0			
„	357	4	1	27			
„	360	6	3	30			
„	361	2	3	4			
„	362 *a. b. c.*	21	1	21			
„	367	7	3	11			
					81	1	38

The dilapidation to the bridges between Nos. 357 and 360, as well as of the gates, must be valued against him; on the other hand, we are not unwilling that he should have a fair allowance for his recent draining.

	NO.	A.	R.	P.	A.	R.	P.
To Mr. Curtis	75	7	1	2			
„	302	4	2	25			
„	305	4	3	2			
„	306	4	0	12			
„	307	5	0	28			
„	308	6	3	0			
„	309	6	2	24			
„					39	1	13
John Pearce	41	5	0	15			
„	42	4	0	34			
					9	1	9
					130	0	20

The fixtures in the house may be valued to the owners.

The following further changes will be made at the same date:—

	No.	A.	R.	P.	
Mr. Knight will give up -	- 109 -	- 1	1	11	to the owners.
„ -	- 347 -	- 2	2	20	to Mr. Rose.
He was also to give up -	- 352 -	- 6	0	33;	

but we understand, that it being in seeds, it will be a convenience to him to retain it for another year, to which, if he still wishes it, we consent.

If there are any fixtures in No. 109 they should be valued to his credit, and reasonable dilapidation against him.

MR. GRAY.

So soon as Mr. Knight can enter his new house, Gray is to give up his occupation,

	No.	A.	R.	P.
To Mr. Knight - - -	114 - -	- 2	1	18
„ Mr. Gilbert - - -	116 - -	- 2	1	25

If there is any valuation in No. 116 it may be made now. The other postponed.

JOSEPH CURTIS.

Besides the addition to him of the above lands from Drury's, further alterations will be made in his occupation at Lady-day 1855, and now (at Lady-day 1854) one close, viz.,

	No.	A.	R.	P.
To Mr. Pearse - - -	411 - -	- 8	3	14

The changes which will be made induce a considerable disturbance in his course of husbandry, and the various changes amongst the tenants involve some effects upon their valuations, which will require amongst them an equitable adjustment, so that none may be unfairly benefited or injured.

It is probable that before Lady-day 1855, the whole of the tenantry will be put upon agreements, which will include some changes in their future tenant-right valuations.

That period, therefore, will be the proper one for the final adjustment amongst themselves; and I have informed them that such of them as continue tenants must refer themselves altogether to your decision among them, as also they must do as to the compensation, if any, that they ought to receive for such changes of tenant-right as we may determine on.

But it is a question for consideration, and one on which we should like to have your views, whether, as to the changes of land which are already determined on, it is not advisable that all acts of husbandry after harvest, or at all events from Michaelmas, shall be performed by the tenants who will have the lands from the following Lady-day, instead of by the tenant who is leaving them. An end cannot too soon be put to the vicious system of the outgoing tenant (as Drury has too largely done) performing acts, not for the benefit of the incoming tenant, but merely to make a longer inventory; and especially when the changes of tenancy are, as in this case, brought about merely by a transfer of lands amongst themselves, it is absurd as well as vicious.

As we intend to offer Taylor a farm, which we think will be an eligible one, on the estate, the remark will apply to all lands which will be the subject of change.

Mr. Curtis was of opinion, that if he were not permitted to crop some of the lands which he will leave at Lady-day 1855, in a way which in our opinion would be very detrimental to the estate, he should suffer loss in the process of effecting the exchanges.

Without an investigation into the whole of his ordinary system of cultivating his farm, this question cannot be determined; we also have suggested to him, and shall require that this question be referred to you, and in order to it we proceed to give you a statement of all the changes in his holdings:—

	No.	A.	R.	P.
Mr. Curtis to give up at Lady-day 1854, to Mr. Pearse -	411 - -	8	3	14
Lady-day 1855, to Mr. Taylor - - - - -	407 - -	1	1	13
„ „ - - - - -	408 - -	8	0	10
„ „ - - - - -	409 - -	8	3	0
„ „ - - - - -	410 - -	8	0	8
„ Mr. Knight - - - - -	299 - -	11	2	32
„ „ - - - - -	300 - -	6	3	17
„ „ - - - - -	320 - -	9	2	4
To take at Lady-day 1854, from Mr. Drury - - -	75 - -	7	1	2
„ „ - - -	302 - -	4	2	25
„ „ - - -	305 - -	4	3	2
„ „ - - -	306 - -	4	0	12
„ „ - - -	307 - -	5	0	28
„ „ - - -	308 - -	6	3	0
„ „ - - -	309 - -	6	2	24
„ Lady-day 1855, from Mr. Nettleship -	303 - -	4	2	37
„ „ - - -	304 - -	4	3	6
„ from Mr. Taylor - -	141 - -	4	3	23
„ „ - - -	324 - -	6	2	10
„ „ - - -	323 - -	2	1	0
„ „ - - -	323 *a* -	4	2	22
„ „ - - -	323 *b* -	5	1	0

Appendix.

Ecclesiastical Commissioners for England.

Estates Management, &c.

Norwell Estate.

Intimating to Mr. Curtis a year or more ago, that we should require the surrender of Nos. 408, 409, 410, and 411, he said that they were the best land, and in the best condition of any on his farm, and we therefore said that we should allow him to occupy them for two further years, expiring at Lady-day 1855, and should not object to his occupying them in such a way as, having regard to the quality of the land, and the state of cultivation, should leave them in a fair average condition. He therefore cropped the whole in 1853, and was about to do the same in the present year, but this would so much interfere with our plans for the estate, that we required of him that he should at once give up No. 411 to Pearse, and that he should fallow No. 408, leaving it to you (having respect to the due rotation of the farm as a whole, as to which it would not be allowed to him profit by a departure from it) to determine what compensation, if any, he was entitled to.

In order to this, it will perhaps be needful that you should schedule the cropping for two or three years back in parallel columns, by which means you will discover whether it was necessary to him in the last and present year to crop these four fields as last year he did, and as this year he purposes to himself to do; and if that were so, what compensation should be made him for being interrupted in the course by our interference as to Nos. 408 and 411. It perhaps is not necessary that you should proceed immediately with this, but we shall be glad that you should at once inform yourself of the circumstances and condition of the principal closes, as I am most anxious that Pearse should proceed with his fallowing of No. 411 for turnips, and which I want as soon as possible to have laid down as permanent pasture.

(signed) *Pickering & Smith.*

NORWELL ESTATE.

Drainage.

STATEMENTS relating to the Draining of this Estate during the years 1851, 1852, 1853, and 1854.

No. 1. Norwell Drainage—Statement for the Year 1851.

TENANTS' NAMES.	No. on Plan.	Quantity of Field Drained.	LABOUR. Length of Draining.	LABOUR. In Draining.	LABOUR. In making Outfalls, &c.	MATERIALS. Cost of Tiles and Pipes.	Total Expense.
		A. R. P.	Ch. links.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Curtis, Joseph	269	8 2 8	229 34	23 16 5¼	– 19 3½	14 8 8	39 4 4¾
	322	8 3 24	151 97	19 15 6	3 7 11	4 – 6	27 3 11
	325	3 3 11	80 09	13 – 11	1 5 9	7 16 6½	22 3 2½
		0 2 0	6 10	1 9 11	– – –	1 – –	2 9 11
		0 2 0	7 60	1 12 11	– – –	– 11 6	2 4 5
Davidson, Elizabeth	346	1 3 3	30 61	4 14 4¼	– 4 9½	2 – 5	6 19 6¾
Gray, John	103ª	1 1 11	25 65	3 9 3	– 7 7	1 17 11¼	5 14 9¼
	378	4 2 27	77 25	11 18 2	– 4 2½	5 8 7½	17 11 –
	379	6 2 38	94 86	9 12 6½	– 18 –	4 4 5	14 14 11½
Knight, William	330	5 1 35	141 70	14 18 2½	1 3 3	11 1 11	27 3 4½
Marshall, Thomas	452	5 3 3	105 96	14 5 8	– 4 5	7 19 7½	22 9 8½
	493	2 0 14	43 05	6 12 8	– 3 9½	2 11 6½	9 7 11¾
	494	3 2 32	135 77	18 5 9¼	– 5 8	10 12 3¼	29 3 8¾
	503	1 3 33					
Morley, William (late S. Curtis)	433	13 0 12	325 47	43 12 7½	– 18 –½	24 5 3½	68 15 11½
	446	12 2 2	297 92	40 9 4	4 15 4	14 6 9½	59 11 5½
Onion, Joseph	345	2 0 2	34 92	5 11 8½	– 2 11	2 4 1	7 18 8¼
Pearce, Joseph	284	4 2 0	110 90	15 6 –	– 4 7½	2 16 3½	18 6 11
	285	4 2 10	111 77	15 – 4½	– 4 8	8 4 9	23 9 9½
	424	6 3 19	168 12	22 13 –	2 8 5½	7 17 11	32 19 4½
	432	7 0 14	178 07	28 9 5½	1 9 11	7 17 1½	37 16 6
	482	8 0 8	189 07	25 5 3½	2 2 9½	12 9 –	39 17 1
	483pt	0 2 0	7 20	1 11 2¼	– – 3½	– 9 7½	2 1 1
Radford, Thomas	251pt	3 0 0	82 59	8 14 5	– 1 4	6 – 9¾	14 16 6¾
	252	1 0 0	23 92	2 7 10	– – –	1 6 9	3 14 7
Rose, John	203pt	2 3 21	45 49	6 4 11	1 5 4½	4 – 8½	11 11 –
Templeman, Joseph	197	9 3 28	65 87	21 3 –½	– 6 6	8 6 11½	29 16 6
	199pt	10 0 0	254 35	34 5 7	– 10 7	19 12 5	54 8 7
				414 7 –¾	23 15 6	193 12 5½	631 15 –¼
Carriage of tiles to Nos. 423 and 446				– – –	– – –	7 13 –	8 14 7
Tiles for outfalls				– – –	– – –	1 1 7	
Alterations of fences, outfalls, &c.				– – –	3 5 5	– – –	3 5 5
			£.	414 7 –¾	27 – 11	202 7 –½	643 15 –¼

No. 2. Norwell Drainage—Statement for the Year 1852.

TENANT.	NO.	QUANTITY. A.	R.	P.	LABOUR. chs.	links.	£.	s.	d.	MATERIALS. No. of Tiles.	£.	s.	d.	TOTAL. £.	s.	d.
oseph Curtis	326	7	2	26	205	56	22	19	–	13,050	14	3	6	37	2	6
	348	8	3	16	174	45	22	4	6	11,650	13	–	–	35	4	6
	pt 321	2	0	0	57	52	6	4	8	3,950	3	17	4	10	2	–
	320	9	2	4	217	56	23	16	3	13,550	13	18	–	37	14	3
	pt 322	6	0	16	120	20	13	15	11	8,350	8	13	6	22	9	5
ohn Gray	375	4	0	3	92	50	10	2	1	6,150	6	16	–	16	18	1
	291	7	3	36	91	26	12	8	8	6,800	7	13	6	20	2	2
ohn Knight	317	7	1	18	149	92	17	11	7	9,350	10	5	–	27	16	7
	252	6	0	33	85	78	9	11	6	6,000	6	6	–	15	17	6
	pt 315	1	2	0	28	34	3	1	5	2,000	2	4	–	5	5	5
	pt 393 to 395	12	0	0	127	06	12	17	1	8,900	9	1	–	21	18	1
					46	60	5	2	–	1,600	1	14	–	6	16	–
	1,234	5	1	4	105	49	11	12	7	6,950	7	13	6	19	6	1
	121	1	0	32	16	35	1	16	–	1,150	1	4	–	3	–	–
homas Marshall	453	5	2	7	99	74	10	16	10	6,900	7	3	–	17	19	10
	451	8	2	0	137	78	14	19	6	9,350	9	9	–	24	8	6
	5,045	6	0	23	118	34	13	6	9	7,900	8	8	–	21	14	9
Villiam Morley	pt 438.9	2	0	0	-	-	6	8	–	-	-	-	-	6	8	–
	–	1	0	0	16	50	1	15	9	1,100	1	3	6	2	19	3
	444	10	1	21	189	52	25	7	4	12,400	13	2	–	38	9	4
	254.5	12	1	20	268	48	29	4	8	17,000	17	12	–	46	16	8
	445	6	2	16	119	60	16	–	10	7,400	8	–	–	24	–	10
	436	11	2	10	278	10	30	5	6	18,900	20	–	–	50	5	6
oseph Pearce	417	5	1	20	128	76	15	1	5	8,350	9	4	–	24	5	5
	418	5	2	4	101	20	12	2	10	5,750	6	8	–	18	10	10
	419	4	0	32	81	06	8	18	7	5,650	6	3	–	15	1	7
	420	6	1	17	150	06	16	11	7	10,300	10	16	–	27	7	7
	485	3	1	24	77	05	9	15	8	5,800	6	5	–	16	–	8
	431	7	1	22	150	20	20	1	6	9,700	10	3	–	30	4	6
	427	7	3	13	174	75	20	9	1	11,550	12	2	4	32	11	5
homas Radford	pt 156.8	0	3	0	19	45	2	2	9	1,300	1	10	–	3	12	9
	252	2	3	5	66	83	7	5	4	4,450	4	11	6	11	16	10
ohn Rose	216	2	3	19	48	00	5	4	6	3,300	3	9	–	8	13	6
	217	2	0	6	47	07	5	2	9	3,150	3	5	–	8	7	9
oseph Templeman	pt 199	7	0	11	120	76	13	3	8	7,250	8	–	–	21	3	8
	A.	199	1	18	-	-	457	8	1	-	-	273	3	8	730	11	9
Paid for wood cutting							1	–	–	-	-	-	-	-	1	–	–
„ carriage of tiles							-	-	-	-	-	4	2	10	4	2	10
„ William Webb's time, as foreman, 25 weeks, at 21 s. per week							26	5	–	-	-	-	-	-	29	5	–
„ The like, travelling expenses							3	–	–	-	-	-	-	-			
	£.						487	13	1	-	-	277	6	6	764	19	7
To direction and superintendence, 5 s. per acre on 199 A. 1 R. 18 P., as sanctioned by Inclosure Commissioners															49	17	5
To travelling expenses															14	18	–
	£.														829	15	–

No. 3. Norwell Drainage—Statement for the Year 1853.

TENANTS.	Number.	Quantity. A.	R.	P.	Labour. Ch.	Lks.	£.	s.	d.	Materials. No. of Tiles.	£.	s.	d.	Total. £.	s.	d.
Joseph Curtis	271	10	0	15	245	20	33	–	4	16,700	17	–	2	50	–	6
	272	11	0	24	259	75	34	17	2	16,800	17	3	2	52	–	4
	265	4	3	4	68	60	9	11	6	4,800	5	–	10	14	12	4
	327	6	0	0	131	0	17	9	4	9,250	9	6	–	26	15	4
	186	5	0	0	118	77	16	1	–	7,800	8	5	8	24	6	8
	278	3	0	0	79	98	8	13	4	6,000	6	–	–	14	13	4
John Gray	376	4	0	0	96	60	12	17	8	6,680	6	16	6	19	14	2
	Pt. 104	2	3	39	80	50	10	14	8	5,100	5	3	7	15	18	3
	Pt. 104	3	0	8	127	59	17	–	3	8,850	8	19	5	25	19	8
	380	6	2	0	149	50	19	16	9	7,750	10	2	3	29	19	–
	292	6	1	16	186	15	18	3	–	9,300	9	–	–	27	3	–
	379	3	1	19	80	20	10	14	6	5,200	5	7	3	16	1	9
	381	3	3	34	83	0	11	3	10	5,750	5	19	–	17	2	10
William Knight	319	4	8	11	117	57	15	13	6	7,800	8	7	3	24	–	9
	Pt. 314, „ 315, „ 316	8	3	0	176	75	23	15	10	12,200	12	8	7	36	4	5
	318	10	0	22	241	60	32	7	–	6,750	7	7	–	39	14	–
	372	4	1	7	96	45	13	1	3	6,300	6	10	10	19	12	1
Thomas Marshall	Pt. 504, „ 506, „ 507	7	0	16	130	65	17	10	5	8,800	9	2	7	26	13	–
					73	49	9	17	6	4,700	5	2	–	14	19	6
	Pt. 451	6	0	0	138	0	18	10	–	9,000	9	8	–	27	18	–
William Morley	435	9	1	5	210	29	28	2	–	13,850	13	17	7	41	19	7
	434	9	3	30	226	66	30	6	5	14,850	14	17	7	45	4	–
	439	5	2	19	143	40	19	3	6	9,600	6	18	6	26	2	–
	441	8	1	16	190	37	25	9	–	12,400	12	9	6	37	18	6
J. Nettleship	303	4	2	37	100	88	13	11	6	6,950	7	4	8	20	16	2
W. Onion	Pt. 142	0	3	0	14	50	1	18	8	900	–	18	–	2	16	8
Joseph Pearce	416	6	0	18	143	70	19	6	10	9,400	9	7	6	28	14	4
	Pt. 483, „ 484	3	0	0	61	51	8	5	–	4,650	4	13	8	12	18	8
	481	3	2	5	78	56	10	11	–	5,300	5	10	10	16	1	10
	430	6	0	19	137	20	18	6	6	9,000	9	4	10	27	11	4
	In several fields	–	–		76	57	4	–	–	2,300	2	12	–	6	12	–
J. Rose	Pt. 202–3	1	3	2	78	86	10	11	–	5,300	5	9	3	16	–	3
W. Templeman	198	8	2	27	209	50	28	1	–	14,000	14	4	7	42	5	7
	A.	179	0	28	–	–	568	11	3	– – –	279	18	7	848	9	10
Paid for Woodcutting, Plushing, &c.							17	17	8	– – –	–	–	–	17	17	8
„ Carriage of Tiles							–	–	–	– – –	2	7	6	2	7	6
William Webb, as foreman							27	4	–							
„ extra time							4	–	–	– – –	–	–	–	31	4	–
„ travelling expenses							4	18	4	– – –	–	–	–	4	18	4
						£.	622	11	3	– – –	282	6	1	904	17	4
To Direction and Superintendence of Drainage, at 5 s. per Acre, on 179 Acres, as sanctioned by Inclosure Commissioners														44	15	–
Travelling Expenses														15	15	–
										Total £.				965	7	4

No. 4. NORWELL DRAINAGE—Statement for the Year 1854.

TENANTS.	Number.	Quantity. A.	R.	P.	Labour. Ch. Lks.	£.	s.	d.	Materials. No. of Tiles.	£.	s.	d.	TOTAL. £.	s.	d.
eph Curtis	105	9	3	1	181 0	26	19	4	12,400	14	12	9	41	12	1
	408	8	0	10	181 76	25	17	6	11,800	13	12	9	39	10	3
	300	6	3	17	155 38	22	15	8	11,460	11	19	6	34	15	2
	270	8	3	36	206 0	29	8	8	13,700	15	5	3	44	13	11
	Extra	-	-	-	6 0	2	15	–	550	1	4	9	3	19	9
omas Drury	357	4	1	27	99 22	14	2	6	6,700	7	8	6	21	11	–
	Pt. 362	4	1	4	112 47	16	3	2	7,500	8	10	6	24	13	8
n Gray	Pt. 376	4	0	5	94 28	13	16	6	6,200	7	5	9	21	2	3
	290	3	1	2	72 0	10	5	–	4,700	5	7	9	15	12	9
	Pt. 291	3	0	0	89 38	10	10	3	5,800	5	10	6	16	–	9
	116	2	1	25	45 0	6	8	6	3,000	3	7	6	9	16	–
	114	2	1	18	26 88	3	16	2	1,650	2	–	–	5	16	2
	378	4	2	27	99 37	14	3	7	6,800	7	8	9	21	12	4
lliam Knight	331	7	1	3	169 66	24	10	6	12,300	12	17	6	37	8	–
	329	6	0	21	129 54	15	6	3	8,800	8	–	9	23	7	–
	Pt. 293, 294, 295	4	1	19	147 21	20	19	–	9,460	10	19	9	31	18	9
	Extra	-	-	-	2 25	–	17	5	150	–	8	6	1	5	11
omas Marshall	596	3	1	6	64 1	9	2	–	4,100	4	16	–	13	18	–
	Pt. 509, 510, 511	5	1	12	93 72	13	5	6	6,300	6	19	6	20	5	–
	508	4	0	33	106 22	15	12	6	7,100	8	4	6	23	17	–
lliam Morley	443	8	1	10	187 89	26	15	–	12,300	14	1	–	40	16	–
	422, 437	16	2	37	372 0	54	9	–	24,200	28	10	6	82	19	6
	440	7	3	6	182 91	26	15	–	12,400	14	1	–	40	16	–
	456	6	2	10	154 4	22	14	6	10,300	11	18	6	34	13	–
Nettleship	Pt. 56, 57	0	3	0	17 60	2	16	11	1,400	1	10	–	4	6	11
	Pt. 44	5	0	0	94 1	13	9	4	6,820	7	1	6	20	10	10
eph Pearse	418	4	0	0	102 4	14	10	6	7,100	7	13	4	22	3	10
	Extra	- Dyke -			10 40	4	3	–	800	2	4	6	6	7	6
omas Radford	157	0	2	30	14 20	2	–	3	950	1	1	9	3	2	–
	Pt. 251	2	0	0	50 30	7	2	6	3,400	3	14	8	10	17	2
n Rose	203, 216	2	0	0	61 3	7	3	4	4,120	3	15	9	10	19	1
		146	2	9	- -	478	14	4	- - -	251	13	3	730	7	7
Fencing Knight and Morley						14	4	3	- - -	25	7	4	39	11	7
Paid for Carriage of Tiles						-	-	-	- - -	–	17	–	–	17	–
„ William Webb as Foreman						18	2	–	- - -	-	-	-	21	7	–
„ ditto - Extra Time						3	5	–							
„ ditto - his Travelling Expenses						3	6	–	- - -	-	-	-	3	6	–
						517	11	7	- - -	277	17	7	795	9	2
To Direction and Superintendence of Drainage, at 5s. per Acre on 143¾ Acres													35	18	9
Travelling Expenses													12	10	–
												£.	843	17	11

NORWELL ESTATE.

SOLICITOR'S COSTS and CHARGES in respect of this ESTATE from 1846 to 1855, both inclusive.

		£. s. d.	£. s. d.
1846 to 1849, both inclusive.	1 Purchase	95 14 2	
	27 Sales	367 – 9	
	General matters, including many abortive negotiations and the costs of the special inquiry and explanation required by the lessees in these matters	221 9 6	
			684 4 5
1850	3 Purchases	104 2 11	
	8 Sales	79 13 2	
	General matters	32 10 4	
			216 6 5
1851	3 Sales	– – –	29 17 6
1851–2	Building contract	– – –	7 2 6
1852–3	1 Purchase	146 17 4	
	3 Sales	60 15 –	
			207 12 4
1853–4	1 Purchase	4 13 4	
	6 Sales	83 18 –	
	Building contract, &c.	29 1 6	
			117 12 10
1854–5	2 Purchases	130 2 –	
	4 Sales	47 14 6	
			177 16 6
		£.	1,440 12 6

These amounts include *ad valorem* stamps, counsel's fees, &c.

NORWELL ESTATE.

SURVEYOR'S COSTS and CHARGES in respect of this Estate, from January 1847 to January 1856.

From January 1847 to July 1852 the receivership of the rents was separate from the management of the estates; and the following charges arose for management, in addition to 5 per cent. paid to Mr. Barrow, the local receiver:—

Amounts paid, including Travelling Expenses:	£. s. d.	£. s. d.
1847	6 8 –	
1848	19 2 9	
1849	58 6 –	
1850	19 19 –	
1851	38 19 9	
		142 15 6
There was a further charge in 1850 for a General Report as to proposed management of estate, comprising 850 acres, then in possession of the Commissioners, amounting to		66 15 –
	£.	209 10 6

In July 1851 the receivership was placed in the hands of the Surveyors, and the following sums were paid (including management):—

	£. s. d.
Arrears due 1st July 1852, 620 *l.* at 4 per cent.	24 16 –
Receipts to 1st July 1853, 1,690 *l.* „	67 12 –
„ 1st July 1854, 1,750 *l.* „	70 – –
„ 1st July 1855, 1,885 *l.* „	75 8 –
£.	237 16 –

The Arrears at this date (1st July 1855) were £. 43. 5. 6.

The

The expenditure for buildings and repairs has been 3,089 *l.* between 1851 and 1855, and no charge has been made in this respect by the Surveyors, except a proportion of travelling expenses, amounting to 6 *l.* 10 *s.* Sums amounting to 127 *l.* 16 *s.* 2 *d.* have been paid to an architect (Mr. Horsford of Bedford) for plans and specifications.

The expenditure for draining has been 3,108 *l.*, and the agents have received 5 *s.* an acre, and travelling expenses, for laying out and superintending the works. Their charges amount to 234 *l.* 4 *s.* 2 *d.*

As regards the annual rental in 1850, and at the present time: the rental of the 850 acres then reported on was in 1851 reduced in part 15 per cent., and one farm relet, bringing the rental to 1,133 *l.* After the expenditure of 1,100 *l.* the rental was restored, and the present rental of the 850 acres may be placed at 1,374 *l.*

Charges from 1850 in respect of Negotiations and Reports as to Sales and Purchases.

		£.	s.	d.
1850.	Colonel Wylde, lessee	5	5	–
1851.	Ditto „	14	6	–
	J. E. Denison, Esq., M. P., lessee	2	2	–
1852.	Ditto „	7	7	–
	Colonel Wylde „	5	5	–
	Mr. Chapell „	1	1	–
	Mr. Wholley „	1	1	–
	Mr. Wilson „	1	1	–
1853.	Mr. Foottit „	1	11	6
	J. D. Becher, Esq. „	1	1	–
	Mr. Holmes „	2	2	–
	Mr. Kegworth „	1	1	–
	Mr. Barnes „	1	1	–
	Mr. Rose „	1	1	–
	Mr. Clay „	1	1	–
	Purchase of freehold land at auction sale	31	10	–
1854.	Mr. Doncaster, lessee	4	4	–
	Mr. Kegworth „	1	1	–
	Mr. Barnes „	1	1	–
	Mr. Foottit „	1	1	–
	Mr. Templeman „	2	2	–
	Mr. Clay „	1	1	–
	Bradley's executors lessees	4	4	–
	Purchase of freehold land at auction sale	15	–	–
	Norwell Vicarage exchanges	1	1	–
1855.	Ditto ditto (including 6 *l.* 0 *s.* 3 *d.*, as one moiety of arbitrator's charge)	7	11	9
	Mr. Brooksby, lessee	2	2	–
	Sir R. Sutton „	3	3	–
	Mr. Barnes „	1	1	–
	Mr. Wilson „	1	1	–
	Mr. Rose „	3	3	–
	Mr. Bomford „	5	5	–
	Mr. Clay „	1	11	6
	Mr. Scatchard „	1	1	–
	Mr. Templeman „	1	1	–
	Purchase of freehold cottages	2	2	–
	36 Cases £.	137	13	9

SUMMARY.

	£.	s.	d.
Paid for management, from 1847 to 1851, during which a local agent received the rents	209	10	3
Paid for agency on 5,945 *l.* from 1851, including management	237	16	–
Paid with relation to buildings costing 3,089 *l.*	6	10	–
Paid with relation to draining „ 3,108 *l.*	234	4	2
Paid with relation to 36 sales and purchases	137	13	9
Total from 1st January 1847 £.	825	14	2

Value in fee of Commissioners' property in the parish exceeded £. 80,000

Appendix.

Ecclesiastical Commissioners for England.

Estates Management, &c.

Norwell Estate.

Norwell Estate.

The Details of Payments, amounting to 3,108*l.*, stated in the Summary at page 407, as paid with relation to Draining this Estate, are set forth in pages 402 to 405 inclusive.

The Totals are as follow:

		£.	s.	d.
1851.	See Statement at page 402 - - -	643	15	-¼
1852.	„ „ 403 - - -	764	19	7
1853.	„ „ 404 - - -	904	17	4
1854.	„ „ 405 - - -	795	9	2
	Total - - - - £.	3,109	1	1¼

Surveyor's Charges and Expenses on the foregoing.

	£.	s.	d.	£.	s.	d.
1850–51:						
To Direction and Superintendence - - - -	35	5	-			
„ Travelling expenses - - - - - -	25	5	-			
				60	10	-
1851–52:						
See Statement at page 403 - - - - -	49	17	5			
	14	18	-			
				64	15	5
1853–54:						
See Statement at page 404 - - - - -	44	15	-			
	15	15	-			
				60	10	-
1854–55:						
See Statement at page 405 - - - - -	35	18	9			
	12	10	-			
				48	8	9
Total - - - £.				234	4	2

Norwell Estate:

Details of Payments amounting to 3,089*l.*, stated in the Summary, at p. 407, as paid with relation to Buildings on this Estate.

	£.	s.	d.	£.	s.	d.
1852–53:						
To Amount of Contract by Mr. Shelburn for re-erection of Mr. Morley's farm-house at Norwell Woodhouse	310	-	-			
„ Deduct disallowed on account of defects in works -	7	10	-			
				302	10	-
„ Paid him on account of extra work at buildings, as certified by architect, Mr. Noble - - - -	-	-	-	4	6	6
„ Paid Mr. Noble contract price for building blacksmith's shop at Norwell - - - - - -	-	-	-	28	-	-
1853–54:						
„ Amount of contract by Messrs. Vallance for new farm-buildings on the several farms in the occupations of John Knight, William Morley and Joseph Pearce, and repairs and additions to certain other farm-buildings in the several occupations of Marshall, Rose, Gilbert, Curteis and Mrs. Freeman -	2,000	-	-			
„ Paid balance due to them in respect of extra works -	33	18	7			
„ Paid their further charge for repairs to farm buildings	45	8	7			
				2,079	7	2
1854–55:						
„ Balance of Vallance's contract - - - - -	-	-	-	25	-	-
„ Payment on account of works authorised by Commissioners, the particulars of which are set forth in the Summary at page 399 - - - - - -	-	-	-	649	-	4
Total - - - £.				3,088	4	-

CHARGES and EXPENSES on the foregoing.

Architect.

	£.	s.	d.
1852–53:			
Paid Architect's Charges for Plan and specifications, and Superintendence of works	15	5	–
1853–54:			
Paid Architect's Charges for Plan, Specifications, and Estimates, and for superintending and certifying works	82	11	2
1854–55:			
Charges and Expenses	30	–	–
TOTAL £.	127	16	2

Surveyors.

	£.	s.	d.
1852–53:			
Travelling Expenses	1	–	–
1853–54:			
Travelling Expenses	5	10	–
TOTAL £.	6	10	–

NORWELL ESTATE.

EXPENDITURE on this Estate, in relation to Buildings, from date of Messrs. *Pickering & Smith*'s Report of 15th August 1854* to the 1st January 1856.

* *See* page 394.

TENANT.	Total Cost.			Allowed, 17 August 1854.			Further Sums to be Allowed.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Templeman	183	3	2	158	17	–	24	6	2
Gray	203	3	–	160	10	–	42	13	–
Gilbert	44	–	9	38	–	–	6	–	9
Onion and another	83	–	–	52	–	–	31	–	–
Hall House	102	2	–	13	11	3	88	10	9
Late Marshall	111	–	6	107	2	6	3	18	–
Current repairs	39	17	4	39	17	4	—		
Knight's	64	–	–	64	–	–	—		
Late Gray's	96	1	11	36	–	–	60	1	11
Rige's	27	–	7	–	–	–	27	–	7
Morley's	8	6	10	–	–	–	8	6	10
Pearse	9	8	4	–	–	–	9	8	4
Vicarage farm wall	22	5	6	–	–	–	22	5	6
£.	993	9	11	669	18	1	323	11	10

	£.	s.	d.	
Total Expenditure to 1 January 1856	993	9	11	
„ carried to Account to 1 July 1855	649	–	4	
Further Sum to be carried to Account to 1 July 1856				£.344 9 7

	£.	s.	d.	
Total Expenditure to 1 January 1856	993	9	11	
„ allowed	669	18	1	
„ remaining to be allowed				£.323 11 10

Appendix.

Ecclesiastical Commissioners for England.

Estates Management, &c.

Terms of letting Lands, &c. on Farming Leases.

ECCLESIASTICAL COMMISIONERS FOR ENGLAND.

ESTATES MANAGEMENT, &c.

TERMS OF LETTING

Farm, in the Parish of
in the County of , on
Lease for years from 25th March, 185

1st. This farm contains and it is agreed hereby that the rent to be reserved shall be per annum, together with all penal rents hereinafter agreed to be paid, and the interest herein agreed to be paid for moneys expended by lessors in draining, buildings and other improvements, such rent to be reserved quarterly, at the four most usual quarter days, the tenant paying all rates, taxes, and outgoings, except landlord's property tax.

2d. All timber and timber-like trees, and all mines, minerals, earths and quarries to be reserved from the demise, with power to lessors for entering to get, convert, sell, and carry away the same, lessee being paid thereafter from time to time as it shall occur, for the damage, if any, done thereby to his growing crops, and double rent for the surface occupied by any mine waste, or in the erection of any works, or in the formation of roads for the exclusive use of such mines or works.

3d. All needful repairs shall be performed by the tenant, and he shall in all respects repair, maintain and uphold the buildings, gates, bridges, culverts, and wood and wall fences, and at the end of the time deliver up the same in good and substantial repair. Lessors and their agents to have rights at all reasonable times to go on farm to view state of repairs and condition and mode of cultivation of lands.

4th. Such fixtures to which the outgoing tenant may prove himself to be entitled to be taken by lessee at valuation, and he to be entitled to be paid at their value for all fixtures of a like kind at the end of his term.

5th. The tenant right to be paid by the incoming tenant, and on the expiration of the lease if by effluxion of time to be allowed to him as outgoing tenant in like manner shall include the value of straw being of the product of the harvest next preceding the end of the term not exceeding one-third of such product, and not being made into manure, and which shall be stacked in a husbandlike manner; also for such unconsumed hay of the product of such year as shall be then unconsumed, not exceeding tons; and for all manure made from the product of the harvest of such year, and for all lime spread in reasonable quantity on the dead fallows in due course of husbandry in such year, together with the turning, leading and spreading of the manure; the straw, hay, and manure to be valued only at what they are worth to consume on the farm by the tenant in the ordinary way, and the manure according to its quality; also the value of all needful acts of husbandry which shall in such year have been performed in a husbandlike manner in making the dead fallows and one year's rent tenant's rates and taxes thereon, except the income-tax, the rent to be estimated according to the value of the land in fair proportion to the average rent of the farm. Also the value of the half of all needful acts of husbandry, and one-third of the value of all bones and lime spread and in a husbandlike manner applied to the fallows for turnips or for other roots in due course of husbandry in such year, provided such turnips or roots shall have been consumed where grown, but if carried therefrom such turnips and other roots shall be taken to be a full compensation for such fallow; also the value of the clover and grass seeds, if not eaten after the 1st of November, and of the seed wheat and of the needful acts of husbandry required by the next clause, and performed accordingly.

6th. Lessee in the last year of the term not later than the 16th day of April, unless he shall not then have sown such lands with corn, and in that case within seven days after he shall have sown his corn shall sow the lands which are in due preparation and course of husbandry for the same with such good artificial grass or clover seeds as shall be required by lessors, or if they shall not by the 1st day of April have signified the seeds they shall require to have sown, then with such seeds as are usually sown on lands of the like quality in the vicinity, and shall in a husbandlike manner harrow in the same; and shall in such year between the 14th day of September and 14th day of November, sow with wheat of such kind as lessors shall require, and if they shall not have specified the kind before the 14th day of September, then with such good seed wheat of a kind usually sown on the like quality

quality of land in the vicinity (such seed not being in any case the product of the farm), all lands which are in due preparation and course of husbandry, and shall drill and harrow in or otherwise deposit the same in the most husbandlike manner, and shall, on or before the 1st day of January in such year, plough up in a husbandlike manner, to a depth not less than inches, all the lands which, according to the usual course of husbandry on the farm would be sown with any pulse or fallowed for turnips in the next succeeding year; and shall, on or before the 20th day of March in such year, plough all the lands to a depth of inches, which are in course for dead fallow in such succeeding year; and all such acts of husbandry shall be performed at seasonable times and in the most husbandlike manner, and if such acts shall not have been performed at seasonable times, it shall be incumbent on the valuers to have due regard thereto in their valuation, but they shall not value any acts which, except in this respect, are not performed in a good and husbandlike manner.

7th. If, under the conditions hereinafter contained, the lease shall become forfeited at any period other than at the termination of any respective year of the term, the tenant shall not be entitled to such valuation, or to any payment whatever in respect of the covenants of the 5th clause.

8th. The lessor shall be entitled to deduct from the amount of the valuation so payable to the tenant on the expiration of his term, the value of any deterioration by breach of covenants, and of the injury to lessor's interest by any neglect to fulfil any of the terms of this agreement, or by any dilapidations of the houses, buildings, gates, bridges, culverts, and fences, and to recover by any other legal means, the amount, if any, of the sum which such deterioration or dilapidation shall be in excess of such valuation, and which shall remain due and unpaid at the end of the term or which shall accrue due on any valuation or reference thereafter made.

9th. If the tenant shall during the term of his lease sustain the loss by fire of the straw, hay and manure on the farm, or of any part thereof, he shall make good the value of the injury to the estate by applying thereto such a quantity of artificial manures over and above the average quantity of the like manures which he shall have used in the first five years of his term (and if he shall not have occupied it during five years, then during such time as he shall have occupied it), as shall be determined by arbitration as hereafter provided.

10th. He shall not break up any old grass lands except on leave in writing from the lessors or their agents under a penal rent of 10 *l.* per acre per annum to be paid thenceforward to the end of the term, in like manner as the rent first herein agreed to be reserved. He shall not mow any of the grass lands more than once in any one year, or mow in any one year more than one-third of the said grass lands under the penal rent of 2 *l.* per acre on each breach. He shall keep all the grass lands in a husbandlike condition as far as possible clean from thistles, docks and other weeds, and cut and lay the hedges in due and fair proportion, but not less than once in 12 years, except that instead thereof he may scot or scotch to a height of not less than four feet all the fences which do not fence or adjoin on any grass land, and shall well and efficiently scour and keep sufficiently scoured all ditches and watercourses, and once in the year at least, and at all other times when needful, examine and open the mouths of all under drains which discharge into the said ditches and watercourses or elsewhere.

11th. Lessee shall in every year make in due rotation, and in a good and husbandlike manner, and as near as the size of the closes or other subdivisions of the farm will allow, a clear summer fallow, or fallow for turnips, of two-tenths at least of all the arable lands; not more than four-tenths of the same shall at any time be in any crop of corn or grain, nor more than five-tenths in any crop of corn, grain, or pulse. Two-tenths at least shall be sown with clover, or other artificial grasses, in the crop next succeeding a fallow, or immediately after such fallow, or after turnips or other roots. One-tenth may be in any crop of pulse, and one-tenth may in tares, potatoes, mangold wurtzel, or other roots, to be consumed on the farm only; or any part of the two last named one-tenths may be in second years' seeds. But no part of the arable lands shall be left untilled, nor, except as above agreed, shall be used or occupied in the growth of any corn, grain, pulse or of any seeds. If the lessee shall so leave any of the arable lands untilled, or shall crop or cultivate the same in any manner otherwise than as above agreed, except by leave in writing from the lessors, or their agent for the time being, for any such breach of covenant he shall pay an additional rent of 2 *l.* per acre for the land so wrongfully dealt with, over and above any injury or damage done to the said farm thereby, such rent to be due and payable in full at the quarter day next after a notice in writing of the occurrence of such breach of covenant shall have been given by or on the behalf of the lessors. In any reference for the purpose of ascertaining any damage done by such breach of covenant such damage shall be estimated without regard to the amount of rent so agreed to be paid.

12th. The close called the shall not be taken, and deemed to be arable land, but lessee may cultivate the same, without regard to the covenants of the last preceding clause, and without regard to the ordinary cultivation of the district, but shall at all times cultivate the same in a husbandlike manner, and shall not in any case leave it untilled.

13th. All the hay, straw, green crops, roots and seeds grown on the farm shall be spent thereon

thereon or converted into manure, and the straw and hay shall be so converted in the farm-yards now appropriated thereto, or in such other yards as shall hereafter with consent of the lessors or their agents in writing be appropriated thereto, and the manure from the produce of each harvest, except the harvest of the last year of the term, shall be applied in fair and husbandlike proportions to the fallows, beans and clover lands.

14th. If any dispute shall arise between the lessors and lessee touching anything contained in this agreement, and touching the observance of the covenants of the lease or of anything else contained therein, or in regard of any injury, loss, or damage from their non-observance, it shall be competent to either party to give notice to the other of the matter in dispute, and to require that the same shall be referred to arbitration by two arbitrators and their umpire, and in such notice shall appoint one arbitrator; and if within 14 days after such notice the party to whom the same may have been given shall neglect or refuse to appoint the other arbitrator, it shall be competent to the party giving the notice to appoint him, and then the two arbitrators shall appoint their umpire; and any award made by such arbitrator or arbitrators, or by their umpire, shall be binding and conclusive on all the parties concerned. And if any award of the payment of any sum of money from either party to the other shall thereby be determined, such money shall forthwith become due and payable accordingly.

15th. On the valuation at the expiration or sooner determination of the lease, it shall be competent to the lessor to give notice to the lessee that he shall require the valuators or their umpire to arbitrate of and concerning any claim in respect of breach of covenants or of deterioration, injury or dilapidations as hereinbefore provided: or if the lessor shall not be satisfied to refer it to such valuators, then to give notice of arbitration as last provided; and he shall be entitled to deduct the sum, if any, which on such arbitration shall be found to be payable to him from the amount of the valuation payable to the tenant, or to recover such amount by any other legal means, in like manner as if the amount had been awarded and determined by such valuators.

16th. Lessee shall not be at liberty to assign lease without consent in writing.

17th. The lease to be forfeited by assignment without license or on non-payment of rent, or in case tenant shall become insolvent or bankrupt, or compound with his creditors, or if any distress be levied on his goods and effects on the lands demised either for the recovery of rent in arrear or however otherwise, and in case of the breach or non-performance of any covenant; and thereupon lessor to have power to re-enter and repossess without process of ejectment.

18th. It will be required that such clauses and conditions shall be introduced into the lease and in such form as will in the judgment of the lessor's solicitor effectually secure the observance and fulfilment of the foregoing conditions.

19th. The lessee to have the usual clause for quiet enjoyment.

20th. The word lessor is throughout to be understood of the present lessors or their successors or assigns, and the word tenant or lessee of the lessee, his heirs, executors, administrators and assigns.

21st. Lessors agree to expend in draining, building, and other improvements according to the schedule hereto annexed, a sum not exceeding £. , and lessee agrees that for the moneys so expended, and for any future moneys which lessors may hereafter on his application agree in like manner to expend, lessee will during the term of his lease pay interest at the rate of 5 *l.* per cent. per annum, such interest to be paid as rent in like manner as the rent herein first agreed to be reserved, the first half-year of such rent to become due and payable from time to time on the first quarter day that shall occur after the expiration of six months after the expenditure shall have been made.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

CORRESPONDENCE, &c. relating to the Enfranchisement of certain Property in the Parish of St. Oswald, Durham, held on Lease by Messrs. *Backhouse* under the Chapter of Durham.

Letter from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 1 March 1852.

14 & 15 Victoria, cap. 104.

Messrs. *Backhouse's* Application.

I am directed by the Dean and Chapter of Durham to request that you will submit to the Church Estates Commissioners for their approval a proposal for the sale to Messrs. Backhouse & Co. of a mill and land at or near to Aldin Grange, held by lease for the term of 21 years, from 20 July 1848.

The sum agreed to be paid, subject to such approval, is 669 *l.* I send herewith the estimate made by Mr. Davison of the value of the fee simple in possession. I have not sent a plan of the land, supposing that in so small a case the Commissioners might not require one; but if they do so, I will send it.

(signed) *Wm. Chas. Chaytor.*

P. S.—As I have not kept copies of the valuations sent up to the Commissioners, may I request you will have the goodness to return them to me when the Commissioners no longer require them.

W. C. C.

Letter from *Thomas Davison*, Esq., to *W. C. Chaytor*, Esq.

Dear Sir, Durham, 15 January 1852.

Township of Broom.

On the other side I have given you my report of the value in fee of the property demised to Wm. Backhouse, Esq., and another, for the term of 21 years, from the 20th July 1848, at the reserved rent of 6 *s.* 8 *d.* and land-tax, 2 *s.*

(signed) *Thomas Davison.*

Wm. Backhouse, Esq., and Another, a Mill, &c., part of Aldin Grange.

No. on Tithe Plan.	Names of Fields.	Quantities. A.	R.	P.
128	Banks	0	0	16
129	Orchard	0	2	0
130	House, Sheds, &c.	1	1	17
131	Field	2	2	0
132	Banks	1	1	6
133	Mill, &c.	0	1	30
		6	0	29

	£.	s.	d.
Annual value of land, 10 *l.* at 25 years' purchase	250	–	–
Annual value of buildings, 90 *l.* at 17 years' purchase	1,530	–	–
£.	1,780	–	–

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Durham Chapter Estates.

Durham, St. Oswald Parish.

Messrs. Backhouse, Lessees.

LETTER from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall Place, 3 March 1852.

DURHAM CAPITULAR ESTATES.—MILL AT ALDIN GRANGE.

Re Messrs. *Backhouse*, Lessees.

I AM directed by the Church Estates Commissioners to request that you will advise them on the accompanying proposal of the Dean and Chapter of Durham, to sell to Messrs. Backhouse the reversion of certain leasehold property, situate near Aldin Grange.

(signed) *James J. Chalk.*

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall Place, 4 March 1852.

DURHAM CAPITULAR ESTATES.—Messrs. *Backhouse's* APPLICATION.

IN this proposed sale of the reversion of a mill, and 6 A. 0 R. 29 P. of land valued at 100 *l.* a year rent, and at 1,780 *l.* in fee, the Capitular Surveyor has divided the 1,780 *l.* between the lessor and the lessee, according to the rate of interest corresponding to the years' purchase at which he has valued the property; and thus the Chapter have been led to agree to the sale of the property for 669 *l.*, equivalent to a perpetual annuity of 22 *l.* 6 *s.*

But at the accustomed rate of renewal fines (1 ½ year's rental septennially) the capitular receipts would be 149 *l.* 6 *s.* every seven years, or 21 *l.* 6 *s.* 6 *d.* a year; which amount added to 8 *s.* 8 *d.* yearly reserved rent, affords a total of 21 *l.* 15 *s.* 2 *d.*, so that the surplus derived from this sale would be scarcely appreciable.

For this reason I advise that this agreement be referred back to the Chapter for reconsideration.

The Committee of the House of Lords, in their Report of last Session confined, for well-considered reasons, their recommendations to farms and tithe rentcharges; but this sale proposes to extend the mode of dealing therein advised to property to which it is inapplicable.

The Capitular Surveyor has omitted to consider that in placing a rental of 100 *l.* a year at so low a value in fee as 1,780 *l.*, he has affirmed that such income of 100 *l.* a year is, taking into account its contingencies, equivalent to a capital sum of 1,780 *l.*, or to a certain income of 60 *l.* a year; and that, if such capital sum of 1,780 *l.* is discounted at (say) 6 per cent., the contingencies, which have already been allowed for, are taken into account a second time.

This error will appear more plainly by the following statement, in which one renewal is assumed; if no renewal were allowed, the result would be somewhat more unfavourable to the lessors:

The amount proposed to be received by the Chapter is 669 *l.*, and (deducting from this the present values, of the reserved rent for the term and of the renewal fine, together 141 *l.*), the amount accepted for the reversion alone is 528 *l.* This sum of 528 *l.* accumulated throughout 24 ⅓ years, at 3 ⅓ per cent., will amount to 1,173 *l.* at the end of the term. The sale at 669 *l.* therefore, practically assumes that the property will only be worth 1,173 *l.* in 1876, instead of 1,780 *l.* as at present.

If the reversion of the property were sold at 4 per cent. discount, the price would be 826 *l.*, and deducting from this the above stated 141 *l.*, the price of the reversion alone would be 685 *l.* This amount accumulated as above will amount to 1,520 *l.* at the end of the term, an advance of 30 per cent. upon the proposed price, and still allowing a depreciation from 1,780 *l.* to 1,520 *l.*

Unless some improvement upon the present receipts be obtained, I see no advantage in a sale of the property.

(signed) *Edmund James Smith.*

EXTRACT from Minutes of Church Estates Commissioners, at a Meeting held on Thursday, 4 March 1852.

DURHAM CAPITULAR ESTATES.—MILL at ALDIN GRANGE.

Read, a proposal on the part of the Dean and Chapter of Durham to sell to Messrs. Backhouse, for 669 *l.*, the reversion of a mill and land at Aldin Grange, in the township of Broom, held by the Messrs. Backhouse under a lease for years.

Read also, a Report from Mr. E. J. Smith, from which it appears that the average annual receipts of the Chapter from this property, on account of reserved rents and septennial renewal

renewal fines of 1 ½ year's rental, are at present equivalent to 21 *l.* 15 *s.* 2 *d.* a year, and that the perpetual annuity, equivalent to the proposed purchase money of 669 *l.* for the reversion being 22 *l.* 6 *s.*, the surplus which would be derived under the proposed arrangement would be scarcely appreciable.

Mr. Smith further points out certain errors upon which he considers the calculations of the Chapter to have been based, and advises that the matter be referred back to them for reconsideration.

Resolved, That a copy of this Report be forwarded to the Chapter with a request that this proposal may be reconsidered.

LETTER from the Secretary to *William Charles Chaytor*, Esq.

Dear Sir, Whitehall-place, 5 March 1852.

DURHAM CAPITULAR ESTATES.—MILL AT ALDIN GRANGE.

I HAVE laid before the Church Estates Commissioners the proposal of the Dean and Chapter to sell to Messrs. Backhouse the reversion of this property, and I am directed by the Commissioners to request the reconsideration of the matter by the Chapter, as it would appear that no pecuniary advantage would be derived by the Chapter from the proposed sale.

I am further directed to forward you a copy of a Report made by Mr. E. J. Smith upon the case.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 18 December 1854.

DURHAM CHAPTER ESTATES.—PARISH OF ST. OSWALD'S.—MILL AND LAND AT ALDIN GRANGE.

Messrs. *Backhouse*, Lessees.

I AM directed by the Dean and Chapter of Durham to request you will be so good as to submit to the Church Estates Commissioners a proposal to sell to Messrs. Backhouse the reversion estate and interest in a mill and land at or near to Aldin Grange, in the parish of St. Oswald, and county of Durham, containing altogether about six acres. The property is now demised for the term of twenty-one years, from 20 July 1848, at the yearly rent of 8 *s.* 8 *d.*, and the price agreed to be paid is the sum of 925 *l.*, and that the purchase should be completed and the money paid on 20 March next.

Mr. Davison's valuation, and the case, was under the consideration of the Commissioners in the early part of 1852, I therefore do not now send a copy of that valuation.

(signed) *William Charles Chaytor.*

LETTER from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall-place, 20 December 1854.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Re Messrs. *Backhouse*, Lessees.

I FORWARD herewith a communication received from Mr. W. C. Chaytor, upon which I have to request your advice for the guidance of the Church Estates Commissioners. I also send you the file of papers containing the former proposal in this matter.

(signed) *James J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Durham Chapter Estates.

Durham, St. Oswald Parish.

Messrs. Backhouse, Lessees.

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 9 January 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD.

Messrs. *Backhouse*, Lessees.

I HAVE considered the proposal for the sale of the reversion of the mill, and 6 A. 0 R. 29 P. of land held by these lessees for a term of twenty-one years from 20 July 1848, subject to payments for reserved rent and redeemed land tax, amounting to 8 *s.* 8 *d.* yearly.

It will be in your recollection that in March 1852 the Chapter proposed to sell the reversion of this property for 669 *l.*, but as that sum hardly afforded any improvement on the usual receipts of the Chapter from renewal fines, the Commissioners declined to sanction the sale.

The Chapter have now agreed to sell the reversion for 925 *l.*, the transaction to be completed on 20 March next, and I advise the approval of the sale.

(signed) *Edmund James Smith.*

EXTRACT from Minutes of Church Estates Commissioners, at a Meeting held Thursday, 11 January 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Read, a proposal by the Dean and Chapter to sell to Messrs. Backhouse, at the price of 925 *l.* (in lieu of 669 *l.*, as contemplated by the proposal which was before the Commissioners on 4 March 1852), the reversion of 6 A. 0 R. 29 P. of land, with a mill thereon, situate in this parish, in which they are interested under a lease granted for twenty-one years from 20 July 1848, subject to annual payments in respect of reserved rent and redeemed land tax, amounting together to 8 *s.* 8 *d.*

Read also, a Report from Mr. E. J. Smith, advising the approval of the sale of the property in question at the price proposed.

Resolved, accordingly.

LETTER from the Secretary to *W. C. Chaytor*, Esq., Durham.

Dear Sir, 5, Whitehall-place, 17 January 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Re Messrs. *Backhouse*, Lessees.

I HAVE submitted to the Church Estates Commissioners your communication of the 18th ultimo, containing a proposal for the sale to Messrs. Backhouse of the reversion of a mill, and six acres and twenty-nine perches of land, situate near Aldin Grange, in this parish, in which they are interested under a lease granted for twenty-one years from 20 July 1848, subject to an annual reserved rent and redeemed land tax, amounting together to 8 *s.* 8 *d.*, and I am directed to acquaint you that the Commissioners are prepared to approve the sale to Messrs. Backhouse of the property in question at the proposed price of 925 *l.*, the transaction to take effect from the 20th March next.

(signed) *James J. Chalk.*

LETTER from *W. C. Chaytor*, Esq., to the Secretary.

Dear Sir, Durham, 7 March 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Re Messrs. *Backhouse*, Lessees.

I SEND herewith for perusal, on behalf of the Church Estates Commissioners, the draft of the proposed conveyance, with a copy of the subsisting lease.

(signed) *Wm. Chas. Chaytor.*

LETTER from the Secretary to *J. M. White*, Esq.

Dear Sir, 5, Whitehall-place, 12 March 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Re Messrs. *Backhouse*, Lessees.

I SEND you herewith the draft conveyance in this case under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116, and have to request that you will peruse and settle it on behalf of the Church Estates Commissioners, having regard to the accompanying file of papers.

(signed) *James J. Chalk.*

LETTER from the Secretary to *W. C. Chaytor*, Esq., Durham.

Dear Sir, 5, Whitehall-place, 12 March 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

Re Messrs. *Backhouse*, Lessees.

I HAVE duly received your communication of the 7th instant, and have forwarded the draft conveyance which accompanied it to Mr. J. M. White for perusal and settlement on behalf of the Church Estates Commissioners.

(signed) *James J. Chalk.*

LETTER from *J. M. White*, Esq., to the Secretary.

Dear Sir, 10, Whitehall-place, 15 May 1855.

DURHAM CAPITULAR ESTATES.—PARISH OF ST. OSWALD, DURHAM.

Re Messrs. *Backhouse*, Lessees.

Pursuant to your instructions of the 12th March last, this draft conveyance has been approved on behalf of the Church Estates Commissioners.

The property consists of a paper mill, dwelling-house, and premises, and 6 A. 0 R. 29 P. of land called Moorsley Banks, situate in the township of Broom, in the county of Durham. The right of working the mines, but not by means of surface operations, is reserved to the Dean and Chapter.

Arrangements have been made for the payment of the purchase money and interest to the credit of the Church Estates Commissioners at the Bank of England. The account stands as follows:

	£.	s.	d.
Purchase money	925	–	–
Interest at 4 *l.* per cent. from 20th March to 16th May 1855; 57 days £. 5 15 7			
Income Tax – 6 8			
	5	8	11
£.	930	8	11

I return the file of papers sent with the instructions, and beg to hand you conveyance and duplicate for execution by the Church Estates Commissioners.

(signed) *John Meadows White.*

EXTRACT from Minutes of Church Estates Commissioners, at a Meeting held Tuesday, 22 May 1855.

DURHAM CHAPTER ESTATES.—DURHAM, ST. OSWALD PARISH.

A DEED in duplicate, dated the 5th instant, being a conveyance by the Dean and Chapter to Messrs. Backhouse, of the reversion of 6 A. 0 R. 29 P. of land, with a mill thereon, situate in this parish (reserving to themselves the minerals thereunder, with certain limited rights of mineral way-leave) was executed by the Commissioners, as contemplated by the resolution of 11 January last.

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Ripon Bishoprick Estates.

Sigston Kirby Parish.

C. H. Frewen, Esq., Lessee.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

CORRESPONDENCE, &c., relating to the Enfranchisement of certain Lands, in the Parish of Sigston Kirby, held on Lease by *Charles H. Frewen*, Esq., under the Bishop of Ripon.

Letter from *W. T. Jefferson*, Esq., to the Secretary.

Sir, Northallerton, 20 November 1854.

Ripon Episcopal Estates.—Winton Township.

Lessee, *Charles Hay Frewen*, Esq., M.P.

Mr. Frewen having made application to the Lord Bishop of Ripon for the purchase of the episcopal interest in the lands specified in the annexed schedule, and having also requested that the question of value may be referred to arbitration under the provisions of statute 17 & 18 Vict., c. 116, s. 4, I beg to inform you that his Lordship will consent to do so, and I will thank you to submit this proposition to the Church Estates Commissioners for their approval.

(signed) *W. T. Jefferson.*

WINTON.

Charles Hay Frewen, Lessee.—Lease No. 13.—Lease dated 10 March 1852; for 21 Years.

Number on Ripon Episcopal Plan.	DESCRIPTION OF PREMISES.	Cultivation.	Quantity. A.	R.	P.
70	Cow pasture	grass	6	1	4
71	Little Ings	ditto	4	2	7
72	Great Ings	ditto	10	3	16
87	Ings Hill	ditto	6	0	20
88	East Ings	ditto	5	2	4
89	Little House Pasture	ditto	2	3	11
90	High Ten Acres	ditto	9	1	37
91	Ten Acres	ditto	8	1	3
92	Lower Ings	arable	5	0	31
93	Great Horse Pasture	grass	5	3	28
		Acres	65	0	1

Reserved rent £.– 4 –

Land tax 2 12 1¾

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Thursday, 23 November 1854.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

Read,—A communication from the Bishop, stating that he has agreed to treat with Mr. Charles Hay Frewen for the sale to him of the reversion of 65 A. 0 R. 1 P. of land, situate in this parish, held by him under a lease for 21 years, dated the 10th of March 1852, subject to an annual reserved rent and redeemed land tax, amounting together to 2 *l.* 16 *s.* 1 $\frac{3}{4}$ *d.*; and requesting that the annual and fee-simple value of the property may be referred to arbitration, under the provisions of the Act 17 & 18 Vict., c. 116, s. 4.

Resolved,—That the Bishop's request be acceded to.

LETTER from the Secretary to *W. T. Jefferson*, Esq.

Sir, Whitehall-place, 29 November 1854.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

Re *Chas. H. Frewen*, Lessee.

IN reply to your letter of the 20th inst., stating that Mr. Frewen has made application to the Bishop of Ripon for the purchase of the episcopal interest in certain lands held by him, and is desirous that the question of value may be referred to arbitration, and that his Lordship will consent to do so, and requesting me to submit the proposition to the Church Estates Commissioners for their approval, I have to inform you that I have accordingly submitted the same, and that the Church Estates Commissioners approve of the case being referred to arbitration under the provisions of the Act 17 & 18 Vict., c. 116, s. 4.

(signed) *James J. Chalk.*

LETTER from *W. T. Jefferson*, Esq., to the Secretary.

Sir, Northallerton, 15 December 1854.

RIPON EPISCOPAL ESTATES.—WINTON TOWNSHIP.

Re *C. H. Frewen*, Esq., Lessee.

I BEG to forward the draft of an agreement of reference under statute 17 & 18 Vict., c. 116, s. 4, for perusal, on behalf of the Church Estates Commissioners.

I also annex a copy of a letter from Mr. Nanson, the solicitor of Mr. Frewen. I see no objection to the proposed nomination of the arbitrators.

(signed) *W. T. Jefferson.*

LETTER from *W. Nanson*, Esq., to *W. T. Jefferson*, Esq.

Sir, 4, Russell-square, London, 14 December 1854.

RIPON EPISCOPAL ESTATES.

Re *C. H. Frewen*, Esq., Lessee.

I RETURN you draft agreement approved on behalf of Mr. Frewen. Unless there is some regulation of the Church Estates Commissioners, which precludes it, I do not see why the agreement should not be complete, by including in it the appointment of the two arbitrators. Whether you will adopt the addition which I have proposed for that purpose, I must leave to your determination.

I expect that I shall be prepared to name an arbitrator on the part of Mr. Frewen in a few days.

(signed) *W. Nanson.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Ripon Bishoprick Estates.

Sigston Kirby Parish.

C. H. Frewen, Esq., Lessee.

LETTER from the Secretary to *J. M. White*, Esq.

Dear Sir, Whitehall-place, 23 December 1854.

RIPON EPISCOPAL ESTATES.—SIGSTON KIRBY PARISH.

Re *C. H. Frewen*, Lessee.

I AM directed by the Church Estates Commissioners to forward to you the accompanying draft agreement for settlement on their behalf, without adopting the suggestion of Mr. Nanson as to the appointment of arbitrators.

(signed) *James J. Chalk.*

LETTER from *J. M. White*, Esq., to the Secretary.

Dear Sir, London, 10, Whitehall-place, 5 February 1855.

RIPON EPISCOPAL ESTATES.—SIGSTON KIRBY PARISH.

Re *Charles H. Frewen*, Lessee.

PURSUANT to your instructions of the 23d December last, this draft agreement for reference to arbitration of the question of the value of 65A. 0R. 1P. of land in the parish of Sigston Kirby, in the county of York, has been approved on behalf of the Church Estates Commissioners.

I beg now to hand you the agreement which has been signed by the Bishop and the lessee for signature by the Church Estates Commissioners. The file of papers sent with the instructions has already been returned.

(signed) *John Meadows White.*

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Thursday, 8 February 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

A DOCUMENT, dated the 30th of December last, being an agreement by the Bishop and his lessee, Mr. Charles Hay Frewen, to refer to arbitration the finding of the annual and fee-simple value of 65A. 0R. 1P. of land, situate in this parish, was signed by the Commissioners, as contemplated by the Resolution of the 23d of November last.

LETTER from *W. T. Jefferson*, Esq., to the Secretary.

Sir, Northallerton, 12 May 1855.

RIPON EPISCOPAL ESTATES.

Re *C. H. Frewen*, Esq., M.P.

I BEG to inform you that Mr. Frewen has nominated Mr. John Hodgson Faint, of Manor House, near Thirsk, in the county of York, land agent, his arbitrator, under the Agreement of Reference of 30th December 1854, and he wishes the matter to proceed.

I am not aware that any further agreement is required.

(signed) *W. T. Jefferson.*

LETTER from the Secretary to *J. M. W. White*, Esq.

Dear Sir, Whitehall-place, 16 May 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

Re *C. H. Frewen*, Lessee.

I FORWARD herewith a communication received from Mr. Jefferson, and have to request that you will prepare and forward for execution, by the Church Estates Commissioners, an appointment of Mr. E. J. Smith, as arbitrator in this case. I send you the file of papers relating to the matter.

(signed) *James J. Chalk.*

LETTER from *J. M. White*, Esq., to the Secretary.

Dear Sir, 10, Whitehall-place, 21 May 1855.

RIPON EPISCOPAL ESTATES.—PARISH OF SIGSTON KIRBY.

Re *Charles H. Frewen*, Lessee.

PURSUANT to your instructions of the 16th instant, I have prepared an appointment of Mr. Edmund James Smith, as surveyor on behalf of the Church Estates Commissioners, under the Act of 17 & 18 Vict., c. 116, and I beg to hand you the same for signature by the Commissioners. I return the file of papers.

(signed) *John Meadows White.*

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Tuesday, 22 May 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

A DOCUMENT, dated this day, being an appointment of Mr. E. J. Smith, as arbitrator, on the Commissioners' behalf, for the purpose of ascertaining the annual and fee-simple value of the 65A. 0R. 1P. of land held by Mr. Charles Hay Frewen, in this parish, was signed by the Commissioners, as contemplated by the Resolutions of the 23d of November and 8th of February last.

LETTER from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall-place, 25 May 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

Re *Charles H. Frewen*, Lessee.

HEREWITH I forward to you your appointment as arbitrator in this case, and have to request that you will place yourself in communication with the arbitrator named by the lessee, with a view to settling the question for which such appointment has been made. I also send you the file of papers relating to the matter.

(signed) *James J. Chalk.*

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 4 June 1855.

SEE OF RIPON.

Arbitration in Case of *C. H. Frewen*, Esq., M.P.

UNDER my appointment as arbitrator in this case, I agreed with Mr. J. Hodgson Faint, the arbitrator, appointed by Mr. Frewen, that Mr. Thomas Bradley, of Richmond, should be the umpire in the matter, and we met on the ground on the 29th ult.

The subject matter of the arbitration we found to be 65 A. 0 R. 1 P. of land, lying at the extremity of the township of Winton, bounded on two sides by Mr. Frewen's freehold lands, and on the other sides by Earl Harewood's estate.

We agreed that the annual value should be placed at 30 years' purchase. I placed the annual value at 80*l.*, but Mr. Faint considered 70*l.* the full value. We therefore called on the umpire to work out his figures, and as they resulted at 80*l.* 14*s.* 6*d.*, he will award 80*l.* at 30 years' purchase as the annual and fee-simple values of the property.

(signed) *Edmund James Smith.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Ripon Bishoprick Estates.

Sigston Kirby Parish.

C. H. Frewen, Esq., Lessee.

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Thursday, 7 June 1855.

RIPON BISHOPRICK ESTATE.—SIGSTON KIRBY PARISH.

Read,—A report from Mr. E. J. Smith, stating that in accordance with the terms of the agreement for arbitration which was executed by the Commissioners on the 8th February last, the annual and fee-simple value of the property in such agreement referred to has been fixed by the umpire, the one at 80*l*., and the other at 30 years' purchase of that amount.

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 25 July 1855.

RIPON BISHOPRICK ESTATES.—PARISH of SIGSTON KIRBY.

Arbitration Case of *C. H. Frewen*, Esq., M. P.

IN this case the umpire made his award in accordance with the result mentioned in my last report, and the Bishop's agent ascertained and communicated to the lessee's agent the price of enfranchisement resulting from the application of the principles of the Lords' Committee Report.

The Bishop's agent having in reply received the letter, of which a copy is on the other side, I think that the Commissioners should have it on record, as it may influence the nature and terms of future references to arbitration.

(signed) *Edmund James Smith.*

LETTER from *W. Nanson*, Esq., to *W. T. Jefferson*, Esq.

Dear Sir, 4, Russell-square, London, 20 July 1855.

RIPON EPISCOPAL ESTATES.

Re *C. H. Frewen*, Esq., M.P.

I AM not as yet able to inform you of Mr. Frewen's determination; but the annual value, as found by Mr. Bradley's award, is so far in excess of the rent which Mr. Frewen has hitherto received, that unless the tenant is disposed to give a considerable advance of rent, I think it is doubtful whether Mr. Frewen will be disposed to proceed with the purchase. You shall, however, hear from me again as soon as I can give you a decided reply to your inquiry.

(signed) *W. Nanson.*

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Thursday, 26 July 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY ESTATES.

Read,—A report from Mr. E. J. Smith, accompanied by a copy of a communication from the agent of Mr. Charles Hay Frewen, stating that the annual value of the property held by him in this parish, as found under the agreement for arbitration, which was executed by the Commissioners on the 8th of February last, is so far in excess of the rent which he has hitherto derived from the property, that he cannot proceed with the purchase of the reversion unless a considerable advance in his present rental can be obtained.

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 20 August 1855.

SEE OF RIPON.

C. H. Frewen, Esq., M.P., Lessee.

Arbitration under Act 17 & 18 Vict., c. 116.

I HAVE received from the Bishop's solicitor a copy of the letter on the other side, in which Mr. Frewen refuses to complete the purchase on the terms of this arbitration.

I beg to suggest that in future cases the sanction of the Commissioners be only given upon the condition of the lessee binding himself to carry out the terms of the award under the arbitration.

(signed) *Edmund James Smith.*

[* *See* following letter.]

LETTER from *C. H. Frewen*, Esq., to *W. T. Jefferson*, Esq.

Sir, Cold Overton, Oakham, 15 August 1855.

I WAS not aware when I wrote to you of the matter contained in your letter of yesterday's date; I think, however, from what I have seen, that the leaseholders are sufficiently powerful in each House of Parliament to carry some other measure in order that justice may be done to them, as I am sure it was never the intention of Parliament that they should now be swindled out of property which has been recognised by Parliament for at least 200 years. The land at Winton has been in the occupation of my family for more than that time. I certainly am not going to buy at the outrageous price that has been named, and I do not much think I shall sell at any price, but take my chance what Parliament may do in the matter in the next two or three years.

(signed) *C. H. Frewen.*

EXTRACT from Minutes of the Church Estates Commissioners, at a Meeting held Tuesday, 21 August 1855.

RIPON BISHOPRICK ESTATES.—SIGSTON KIRBY PARISH.

Read,—A Report from Mr. E. J. Smith, accompanied by a copy of a communication from Mr. Charles Hay Frewen, declining to purchase the reversion of the property held by him in this parish on the terms which were fixed under the agreement for arbitration, which was executed by the Commissioners on the 8th of February last. Mr. Smith advises that in future cases the sanction of the Commissioners to a reference to arbitration be only given upon the condition of the lessee undertaking to purchase or sell upon the terms which may be fixed by the arbitrator.

Resolved,—That under the circumstances no further steps be taken in reference to this case.

Resolved further,—That with regard to future similar cases the Commissioners' approval of a reference to arbitration be given only upon the condition referred to in the above-mentioned report of Mr. E. J. Smith.

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

York Archbishopric Estates.

Whitby Parish.

H.W.Yeoman,Esq., Lessee.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

CORRESPONDENCE, &c., relating to the ENFRANCHISEMENT of certain TITHE RENT-CHARGES arising within the Parish of WHITBY, held on Lease by *H. W. Yeoman*, Esq., under the ARCHBISHOP of YORK.

LETTER from *Wm. Gray*, Esq., to the Secretary.

Dear Sir, 75, Petergate, York, 26 October 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

Henry W. Yeoman, Esq., Lessee.

I FORWARD you herewith copy of agreement for sale to this lessee of the reversion of the rectory of Whitby; also a minute of the terms on which such contract has been made, and a copy of the existing lease, and I will thank you to submit the same to the Church Estates Commissioners for their approval of the sale.

(signed) *John Hoggard*,
for *Wm. Gray*.

WHITBY RECTORY.

Henry Walker Yeoman, Esq., Lessee for 21 years; 17 years were unexpired 27 August 1853.

	£.	s.	d.	£.	s.	d.
The tithes of the above rectory were commuted at the sum of - - -				2,802	–	–
Assuming the average of the prices of titheable produce during the last four years as the future value of a tithe rentcharge, an allowance of 21.101 per cent. should be made on the gross rentcharge - - - - - - - -	591	5	–			
Deductions:						
The reserved rent - - - - - - - -	50	–	–			
The curate's salary - - - - - - - -	57	13	4			
For repairs of the chancels - - - - - - -	12	–	–			
For land-tax - - - - - - - - -	11	16	10			
Parochial rates allowed on commutation - - - -	327	–	–			
				1,049	15	2
Total net annual value of these tithes - - - - - - -				1,752	4	10
Of this sum there arises from the estate of the lessee - - - -				59	17	8
And from the estates of other landowners - - - - - £.				1,692	7	2

Note.—I estimate the tithes of Mr. Yeoman's estate at 3½ per cent., and the remainder of the tithes at 4 per cent. I also estimate the reserved rent at 4 per cent.

	£.	s.	d.
The value of the reversion in the first-named tithes is £. 59. 17. 8. × 15.920 = - - - - - -	953	6	5
The value of the reversion in the last-named tithes is £. 1,692. 7. 2. × 12.834 = - - - - -	21,719	14	5
Reserved rent £. 50 × 25.000 = - - - - -	1,250	–	–
£.	23,923	–	10

York, 1 September 1853. *John Hoggard.*

Approved, *T. Ebor.*

LETTER from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall-place, 27 October 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

Re *H. W. Yeoman*, Lessee.

I FORWARD herewith a communication received from Mr. Gray, of York, upon which I have to request your advice for the guidance of the Church Estates Commissioners.

(signed) *J. J. Chalk*, Secretary.

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 27 October 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY, YORK.

Re *H. W. Yeoman*, Esq., Lessee.

IN this case the lessee holds the rentcharges in lieu of tithes over the several townships in this parish, amounting in the whole to 2,802 *l.* yearly, by a lease for 21 years from 27 August 1849, at a reserved rent of 50 *l.*, and the payment of vicarial stipends of 57 *l.* 13 *s.* 4 *d.*

The agents of the See of York had, prior to my interview with Mr. Gray, reported on the 24th September, offered to accept the 23,923 *l.* set forth in this proposal, and Mr. Yeoman had accepted the offer, and I then pointed out that the price was obviously insufficient; Mr. Yeoman requires, however, that the case should be submitted to the Church Estates Commissioners.

I advise that the Board decline to approve the proposed sale, on account of insufficiency of price.

£. 23,923. (signed) *Edmund James Smith.*

Extract from Minutes of CHURCH ESTATES COMMISSIONERS, at a Meeting held Friday, 28 October 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

READ a proposal by the Archbishop to sell to Mr. Henry Walker Yeoman, for the sum of 23,923 *l.*, the reversion of a tithe rentcharge arising in this parish, and amounting to 2,802 *l.*, in which he is interested under a lease for years, dated 27th August 1849, subject to a reserved rent and other payments, amounting together to 107 *l.* 13 *s.* 4 *d.* per annum.

Read also a report from Mr. E. J. Smith, advising that the Commissioners decline to sanction the sale on the terms proposed, on the ground of insufficiency of price.

Resolved accordingly.

LETTER from the Secretary to *Wm. Gray*, Esq.

Dear Sir, Whitehall-place, 2 November 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

Re *H. Wm. Yeoman*, Lessee.

I HAVE submitted to the Church Estates Commissioners your communication of the 26th ultimo, containing a proposal by the Archbishop to sell to Mr. Yeoman, at the price of Twenty-three thousand nine hundred and twenty-three pounds, the reversion of the tithe rentcharge of Two thousand eight hundred and two pounds per annum arising in this parish and belonging to the see, in which he is interested under a lease for years, dated the 27th of August 1849; and I am directed to acquaint you, that in the opinion of the Commissioners the sum agreed to be given for the property in question does not adequately represent the value of the episcopal interest therein, and that they decline to sanction the proposed sale.

£. 23,923.
£. 2,802.

(signed) *Jas. J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

York Archbishopric Estates.

Whitby Parish.

H.W. Yeoman, Esq., Lessee.

LETTER from the Archbishop of *York* to the Secretary.

My dear Sir, Bishopthorpe, York, 25 November 1853.

I HAVE no end of trouble with the lessees of the estates belonging to the See of York. Mr. Yeoman, whose family have long held the lease of Whitby tithes, has been very anxious to enfranchise, and agreed to the terms fixed by my agents, calculated like other leases in the same neighbourhood. He is brother-in-law to Lord Zetland, and related nearly to Mr. Challoner, who have enfranchised the neighbouring parishes of Upleatham and Guisbro', and he cannot see why the like terms should not be granted to him; nor can I; but I suggested to him at a personal interview, and since by letter, that probably the change in the price of agricultural produce, and the consequent alteration in the averages, might have led the Estates Commissioners to decline all dealing with him on the terms agreed to by him on my sanction.

He replies in the note now inclosed, and I shall be glad of some mode of satisfying his natural anxiety on the subject.

(signed) *T. Ebor.*

LETTER from *H. W. Yeoman*, Esq. to the Archbishop of *York*.

My dear Lord, Richmond, 24 November 1853.

I RELY on your kindness to excuse the liberty I have taken in writing to you again.

The interval between the completion of the purchases of the reversions of the rentcharges of Upleatham and Gisbro' upon the terms offered by the Church Estates Commissioners and the rejection by the said Commissioners of our agreement was so short, that such rejection could hardly have been influenced by any alteration in the prices of agricultural produce during that period.

If you would have the goodness to correspond with the Church Estates Commissioners upon the subject, it would probably be ascertained, without any further delay, in what respect the calculation made by the said Commissioners differs from that made by Mr. Gray on your behalf, upon which I agreed to purchase; and also what are the terms which would be offered by the Commissioners, and accepted by you.

(signed) *Henry W. Yeoman.*

LETTER from the Secretary to the Archbishop of *York*.

My Lord, Whitehall-place, 26 November 1853.

I HAVE the honour to acknowledge the receipt of your Grace's communication of the 25th instant, relative to the proposal to sell the tithes of Whitby, and will submit the same to the Church Estates Commissioners at the earliest opportunity.

(signed) *Jas. J. Chalk.*

LETTER from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall-place, 26 November 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.—TITHES.

Re *H. W. Yeoman*, Lessee.

I SEND herewith a communication from the Archbishop, which I shall be glad to have your observations upon, in order to bringing the matter under the consideration of the Church Estates Commissioners at the earliest opportunity, and communicating further with his Grace.

(signed) *Jas. J. Chalk.*

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 28 November 1853.

YORK ARCHIEPISCOPAL ESTATES.—PARISH OF WHITBY, YORK.

Henry W. Yeoman, Esq., Lessee.

IN accordance with your instructions I have perused the letters from his Grace the Archbishop of York, and from Mr. Yeoman, relative to the sale of tithes of 2,800*l.* a year in this parish proposed to be effected.

His

His Grace writes, Mr. Yeoman "agreed to the terms fixed by my agents, calculated like other leases in the same neighbourhood. He is brother-in-law to Lord Zetland, and related nearly to Mr. Challoner, who have enfranchised the neighbouring parishes of Upleatham and Guisbro'; and he cannot see why the like terms should not be granted to him; nor can I."

His Grace evidently supposes that the price agreed with Mr. Yeoman was equivalent to those at which Lord Zetland and Mr. Challoner enfranchised; but such is not the case; nor does Mr. Yeoman stand in the same relation to his leasehold tithe rentcharges.

Lord Zetland purchased the tithe rentcharge of Upleatham on a scale exceeding that on which the Whitby reversion is calculated, and the tithes purchased by him arose wholly from his own lands.

Mr. Challoner in the first instance proposed to purchase the whole of the tithe rentcharges at Guisbro' for the sum of 7,149*l.*, and calculations to that effect were sent for the advice of the Church Estates Commissioners. The Commissioners declined to express any opinion, but, in consequence of a conversation between Mr. Challoner's agent (who is also Mr. Yeoman's agent) and myself, in which I said that such a sale could not be advised to be approved, the proposal was amended, and was submitted to the Church Estates Commissioners as an exchange, Mr. Challoner taking the whole of the tithes in two townships, belonging chiefly to himself as landowner, and giving up the tithes in the other townships, amounting to 218*l.* 10*s.* yearly, and paying 3,982*l.* in money, the price being increased, say one-eighth, and the lessee taking little tithe except that on his own lands.

Upon the face of the calculations accompanying the agreement for the sale of the Whitby tithes, it appeared that their value had been estimated at a rate below the lowest that had ever previously been submitted for approval from any ecclesiastical corporation; the sale consequently was not approved.

His Grace will perceive that if the cases of Upleatham and of Guisbro' are taken as precedents, Mr. Yeoman will be allowed to purchase the rentcharge of 59*l.* 17*s.* 8*d.* on his own lands, on condition of selling his interest in the rest of the Whitby rentcharges.

(signed) *Edmund James Smith.*

Extract from Minutes of Church Estates Commissioners,

held 30 November 1853.

York Episcopal Estates.—Parish of Whitby.

Read a further communication from the Archbishop, expressing his surprise at the Commissioners' refusal to sanction the proposal which was before the Board on the 28th ultimo, for the sale to Mr. Yeoman, at the price of 23,923*l.*, of the reversion of the tithe rentcharge of 2,802*l.*, arising in this parish; the value of such reversion having been, as his Grace understands, calculated upon the same principle as that adopted in the enfranchisements to Lord Zetland and Mr. Challoner of the Upleatham and Guisboro' tithe rentcharges.

The communication is accompanied by a letter from Mr. Yeoman, addressed to the Archbishop, and inquiring in what respect the Commissioners' calculation of the value differs from that of the Archbishop, and upon what terms they would be prepared to sanction the proposed sale.

Read also a report from Mr. E. J. Smith, explaining that, in the enfranchisements to Lord Zetland and Mr. Challoner, the tithe rentcharges disposed of were in the one instance entirely, and in the other almost entirely arising out of the lands of the lessees to whom they were sold; and that the estimates of value upon which such sales were effected are far higher than those proposed in the case of Whitby, the latter being the lowest that have ever been submitted for approval by any ecclesiastical corporation.

The report concludes by suggesting, that it be pointed out to his Grace that if the cases of Upleatham and Guisboro' be taken as precedents, Mr. Yeoman will be allowed to purchase the tithe rentcharge of 59*l.* 17*s.* 8*d.*, arising out of his own lands, on condition of his selling his interest in the remainder of the Whitby tithes.

Resolved, That a copy of the foregoing report be forwarded to the Archbishop, as explaining what the Commissioners understand to be the facts of the case.

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

York Archbishopric Estates.

Whitby Parish.

H. W. Yeoman, Esq., Lessee.

LETTER from the Secretary to the Archbishop of *York*.

My Lord, Whitehall-place, 2 December 1853.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

Re *W. H. Yeoman*, Lessee.

THE Church Estates Commissioners have had before them your Grace's letter of the 25th ultimo, inclosing one from Mr. Yeoman with respect to this matter, and have also received a report thereon from Mr. E. J. Smith; and I am directed to forward a copy of such report to your Grace, as the best mode of explaining what the Commissioners understand to be the facts of the case.

(signed) *Jas. J. Chalk.*

LETTER from *T. T. Trevor*, Esq., to the Secretary.

Sir, Gisbro', 14 January 1854.

WHITBY TITHES.

I BEG to refer you to the agreement which was made between the Archbishop of York and Henry Walker Yeoman, Esq., for the sale to the latter of the reversion of the tithes of the parish of Whitby, expectant on the determination of the present lease, granted to Mr. Yeoman for 21 years. The Church Estates Commissioners have declined to sanction this agreement. On behalf of Mr. Yeoman, I would beg to be informed on what terms the Church Estates Commissioners would consent to sell to Mr. Yeoman the reversion of the tithes referred to, and also on what terms the Commissioners will consent to purchase Mr. Yeoman's interest in the lease.

I trust that I am making no unreasonable request, and that you will favour me with as early a reply as possible, inasmuch as any unnecessary delay must prove injurious to the interests of Mr. Yeoman.

(signed) *T. T. Trevor.*

LETTER from the Secretary to *T. T. Trevor*, Esq.

Sir, Whitehall-place, 18 January 1854.

YORK EPISCOPAL ESTATES.—PARISH OF WHITBY.

Re *H. W. Yeoman*, Lessee.

IN answer to your letter of the 14th instant, I have the honour to acquaint you that it is not the practice of the Church Estates Commissioners, under the Act 14 & 15 Vict. c. 104, to enter on the consideration of any application for enfranchisement of ecclesiastical property, except at the instance of the ecclesiastical corporation possessing the reversionary interest in the same.

Your application should therefore be addressed to the agents of the Archbishop.

(signed) *Jas. J. Chalk.*

LETTER from *T. T. Trevor*, Esq., to the Secretary.

Sir, Gisbro', 23 February 1854.

WHITBY RECTORY.

I AM desired by Mr. Yeoman, the lessee of the tithes of the parish of Whitby under a lease from the Archbishop of York, for 21 years, commencing on the 27th August 1849, to inform you, for the guidance of the Ecclesiastical Commissioners, that he is willing to sell to them his interest under the lease, provided the Commissioners are disposed to offer him such a sum as he thinks adequate to the value of his interest.

I therefore beg to ask if the Commissioners are disposed to purchase, and if so, at what price?

The Archbishop's agent has made a proposal for the purchase of Mr. Yeoman's interest, the particulars of which I understand have been communicated to the Church Estate Commissioners, but this proposal has been declined by Mr. Yeoman.

(signed) *T. T. Trevor.*

LETTER from the Secretary to *T. T. Trevor*, Esq.

Sir, Whitehall-place, 28 February 1854.

YORK EPISCOPAL ESTATES.—WHITBY RECTORY.

Re *Henry W. Yeoman*, Lessee.

IN answer to your letter of the 23d instant, offering on behalf of Mr. Yeoman to sell to the Ecclesiastical Commissioners for England his leasehold interest in the tithes of the above parish, I beg to request that you will forward the particulars of the property, and the price which Mr. Yeoman requires for it.

(signed) *Jas. J. Chalk.*

LETTER from *T. T. Trevor*, Esq., to the Secretary.

Sir, Gisbro', 3 March 1854.

WHITBY RECTORY.

I HAVE to acknowledge the receipt of your favour of the 28th ultimo, and to acquaint you that the property comprised in the lease consists of the rentcharge in lieu of tithes of the several townships of Whitby, Aislaby, Ruswarp, Eskdaleside, Ugglebarnby, Hawsher, Fylingdales, and Newholme, all in the parish of Whitby, amounting in the whole to the annual sum of 2,802 *l.*; and that the lease to Mr. Yeoman is for the term of 21 years, commencing from the 27th August 1849. Mr. Yeoman is somewhat indifferent as to selling or retaining his interest in the lease, but, as I have been informed that the Ecclesiastical Commissioners are desirous of purchasing his interest, I beg to inform you that he is prepared to sell to the Commissioners, provided they will offer him such a price as he may consider adequate to the value of his interest.

(signed) *T. T. Trevor.*

EXTRACT from Minutes of Estates Committee, held Thursday, 9 March 1854.

YORK ARCHBISHOPRICK ESTATES.—WHITBY PARISH.

READ a communication from Mr. Yeoman, stating that, should the Commissioners desire it, he would not object to treat for the sale to them of his leasehold interest in certain property, comprised in a lease, dated 27th August 1849, for 21 years, consisting of the tithe rentcharges arising in the townships of Whitby, Aislaby, Ruswarp, Eskdaleside, Ugglebarnby, Hawsher, Fylingdales, and Newholme, all in this parish, and amounting together to the annual sum of 2,802 *l.*, in which he is interested, under a lease, dated 27th August 1849, granted for 21 years, subject to a reserved rent and other payments, amounting together to 107 *l.* 13 *s.* 4 *d.* per annum.

Resolved, That Mr. Yeoman be informed that the Commissioners have no particular desire to become the purchasers of the leasehold interest in the property in question, but that if he should see fit to make any specific proposal for sale, the Commissioners will give it their best attention.

LETTER from the Secretary to *T. T. Trevor*, Esq.

Sir, Whitehall-place, 11 March 1854.

YORK ARCHBISHOPRICK ESTATES.—PARISH OF WHITBY.

Re *H. W. Yeoman*, Lessee.

WITH reference to your communication of the 3d instant, I am directed to acquaint you that the Ecclesiastical Commissioners for England have no particular desire to purchase the leasehold interest in the property situate in this parish, and held by Mr. Yeoman, under the See; I am, however, to state that if Mr. Yeoman should see fit to make any specific proposal for the sale of his interest the Commissioners will be happy to give it their best consideration.

(signed) *Jas. J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

York Archbishopric Estates.

Whitby Parish.

H. W. Yeoman, Esq., Lessee.

LETTER from *T. T. Trevor*, Esq., to the Secretary.

Sir, Gisbro', 20 April 1854.

WHITBY TITHES.

WITH reference to the correspondence that has passed between us relative to the tithes of the parish of Whitby, held by H. W. Yeoman, Esq., under a lease from the Archbishop of York, I am desired by Mr. Yeoman to inquire if the Ecclesiastical Commissioners are disposed to purchase his interest in the lease, in accordance with the terms recommended in the Report of the Committee of the House of Lords, by whom the question was considered in 1851, prior to the introduction of the Act of 14 & 15 Vict., c. 104.

I would take the opportunity of recalling to the consideration of the Ecclesiastical Commissioners the fact, that an agreement was made between the Archbishop and Mr. Yeoman for the sale to the latter of the reversion of the tithes, which agreement was not sanctioned by the Church Estates Commissioners, and Mr. Yeoman has since been informed by the Archbishop's solicitor, that the Church Estates Commissioners do not think it advisable to sanction any agreement for the sale of the reversion of the tithes of the whole parish.

In consequence of these circumstances, Mr. Yeoman believes himself to be placed somewhat in a hard position, and has instructed me now to make the present application.

(signed) *T. T. Trevor.*

EXTRACT from Minutes of Estates Committee, held Friday, 28 April 1854.

YORK ARCHBISHOPRICK ESTATES.—WHITBY PARISH.

Read a further communication from Mr. Henry W. Yeoman, inquiring if the Commissioners are disposed to purchase, on the terms recommended by the Report of the Committee of the House of Lords in 1851, his leasehold interest in the tithe rentcharges arising in this parish, and referred to in the communication from him which was before the committee on the 9th ultimo.

Resolved, That Mr. Yeoman be referred to the communication which was addressed to him under the above-mentioned Resolution, with an intimation that it now rests with him to state the price which he requires for his interest in the property in question.

LETTER from the Secretary to *T. T. Trevor*, Esq.

Sir, Whitehall-place, 3 May 1854.

YORK ARCHBISHOPRICK ESTATES.—WHITBY PARISH.

Re *H. W. Yeoman*, Lessee.

IN answer to your communication of the 20th instant, I am directed to refer you to my letter of the 28th of February last, wherein I stated that the Ecclesiastical Commissioners for England would be happy to consider any specific proposal which Mr. Yeoman might see fit to make for the sale to them of his leasehold interest in the property held by him in this parish, and to add, that it now rests with Mr. Yeoman to state the price which he requires.

(signed) *Jas. J. Chalk.*

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 16 January 1856.

YORK ARCHIEPISCOPAL ESTATE.

Mr. *Hoggard*'s Charges.

I HAVE considered the three cases of charges referred to in your instructions, being those of Brafferton tithe rentcharge, of Whitby rectory, and of Thornton Briggs.

In the first case, it is probable that the transaction may proceed at a future time, and I see no objection to the payment of the charge of four guineas.

In the second case, that of Whitby tithes, the sale was declined to be approved. The charges are 9 *l.* 9 *s.*, being a small charge in proportion to the magnitude of the transaction, and I advise their payment.

In

In the third case, the proposed transactions have never reached the Commissioners, and being rentcharges, have probably been declined to be sold upon further consideration. The charge is 3 *l.* 3 *s.* for each transaction, and although a higher charge than the others, I advise its payment.

(signed) *Edmund James Smith.*

Extract from a Letter from His Grace the Archbishop of York to *John Hoggard.*

Whitby Rectory.

1853, June:	£.	s.	d.
Advising on the sale of these tithe rentcharges, and making valuation of your Grace's interest therein, which I estimated to be worth 23,923 *l.* -	4	4	–
Revising my valuation in consequence of the lessee's right to the land tax	1	1	–
1854, January 9th:			
Advising on the lessee's proposal to sell his interest, except in the tithes of his own land, and making a valuation of the same, which I estimated to be worth 23,153 *l.* 5 *s.* 9 *d* - - - - - - - - -	4	4	–
£.	9	9	–

The Church Estates Commissioners in Account with *Edmund James Smith.*

York Episcopal Estates.—Whitby Rectory.

Henry Walker Yeoman, Esq., Lessee.

1853, October:	£.	s.	d.
To valuation of the net annual and fee-simple value of the tithe rentcharges in the parish of Whitby and county of York, held by this lessee under the See of York, and reporting to secretary thereon, advising as to proposed sale of reversion in same,—			
Charge as per half scale - - - - - - -	7	17	6
Travelling expenses - - - - - - - -	2	–	–
November:			
Considering and reporting to Secretary on letter from his Grace the Archbishop of York, in reference to the Commissioners' refusal to approve the terms agreed by his Grace for the sale - - - - - -	5	5	–
£.	15	2	6

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Salisbury Bishopric Estates.

Chardstock Parish.

Lord Henley, Lessee.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

CORRESPONDENCE, &c., relating to the ENFRANCHISEMENT of a MANOR and LANDS, in the Parish of CHARDSTOCK, held by Lord *Henley* on Lease under the BISHOP of SALISBURY.

LETTER from the Lord *Henley* to the Secretary.

Sir, Watford, Daventry, 13 November 1851.

As I am anxious to make application to the Ecclesiastical Commissioners for the enfranchisement of the Chardstock estate, Dorsetshire, which I now hold on lease of the Bishop of Salisbury, I shall be much obliged to you to inform me at what time it would be convenient to the Commissioners to receive the propositions which I shall be prepared to make.

(signed) *Henley.*

LETTER from the Secretary to the Lord *Henley.*

My Lord, Whitehall-place, 14 November 1851.

I HAVE the honour, on behalf of the Church Estates Commissioners, to acknowledge the receipt of your Lordship's letter of yesterday's date, respecting your desire of purchasing the reversion of an estate at Chardstock, Dorsetshire, of which you hold a lease under the See of Salisbury; and I beg leave to point out to you that the provisions of the Act 14 & 15 Vict., c. 104, authorise the Bishop, with the consent of the Commissioners, to dispose of the interest of his see in the property, and to suggest that your Lordship's application should, in the first instance, be made to the Bishop.

(signed) *J. J. Chalk.*

LETTER from the Lord *Henley* to the Ecclesiastical Commissioners for *England.*

Gentlemen, 13, Sussex-square, Brighton, 28 May 1852.

SOME months ago I communicated with you upon the subject of the Chardstock estate, Dorsetshire, which I hold on lease for 21 years, under the See of Salisbury, and the fee-simple of which I proposed to purchase.

In reply to the letter which I then wrote, you stated that it would be necessary to ascertain the opinion of the Bishop of Salisbury before proceeding to negotiate upon the sale of so large a property, and recommended me to write to his Lordship on the subject.

The Bishop was of opinion that the Commissioners should be consulted before any decided answer could be given to my proposal; and from the period at which I received his Lordship's letter (November 1851) up to the present time, I have had no further communication with either party respecting the proposed purchase.

May I be permitted now to inquire whether any further consideration has been given to my proposition, and whether such a purchase as that for which I was anxious would be likely to meet the wishes of the Commissioners and the Bishop of Salisbury.

(signed) *Henley.*

EXTRACT from Minutes of Church Estates Commissioners, at a Meeting held 3 June 1852.

SALISBURY EPISCOPAL ESTATES.—PARISH OF CHARDSTOCK.

READ a letter from Lord Henley, with reference to his desire to purchase the Bishop's reversionary interest in the estate in this parish, of which his Lordship is the lessee for years.

Resolved, That a copy of Lord Henley's letter be forwarded to the Bishop, with an intimation that the Commissioners entertain no doubt but that an arrangement with Lord Henley would prove highly beneficial to the Church.

LETTER from the Secretary to Bishop of *Salisbury*.

My Lord, Whitehall-place, 4 June 1852.

BY the direction of the Church Estates Commissioners, I have the honour to enclose, for your Lordship's perusal, a copy of a letter received from Lord Henley, with reference to the purchase of the reversion of an estate at Chardstock, held by him under the See of Salisbury.

I am to add that the Commissioners entertain no doubt but that an arrangement with Lord Henley would prove highly beneficial to the Church.

(signed) *J. J. Chalk.*

LETTER from the Bishop of *Salisbury* to the Secretary.

Dear Sir, 40, Chesham-place, 11 June 1852.

I BEG to acknowledge the receipt of your letter of the 4th instant, written by direction of the Church Estates Commissioners, and I beg that you will inform me when I can have an interview with the Church Estates Commissioners on the subject of it.

(signed) *E. Sarum.*

LETTER from the Secretary to the Lord *Henley*.

My Lord, Whitehall-place, 19 June 1852.

I AM directed by the Church Estates Commissioners to acquaint your Lordship that they have communicated to the Bishop of Salisbury the substance of your letter of the 28th ultimo, respecting the estate at Chardstock, which you hold under his see.

(signed) *J. J. Chalk.*

LETTER from the Lord *Henley* to the Church Estates Commissioners.

Gentlemen, Bridgwater, 21 June 1852.

SEE OF SALISBURY.—CHARDSTOCK ESTATE.

I HAVE just received a letter from the Bishop of Salisbury, of which the following is a copy :

" My dear Lord, 40, Chesham-place, 19 June 1852.

" A long time has elapsed without your receiving from me the further communication, which, in my letter of November last, I led you to expect. This, however, has not arisen from any negligence on my part, but from my inability to ascertain what I wished from the Estates Commissioners at an earlier period.

" I find that the Ecclesiastical Commissioners are entitled to the reversion of sundry parcels of rectorial glebe in the parish of Chardstock, as well as to the great tithes of the whole parish.

" This fact would be a reason against the simple sale to you of the property you now hold under lease, while it might perhaps afford ground for an arrangement on a different basis, which might be advantageous to both parties.

" I must therefore decline to accede to your proposal for purchasing the interest of the see in the property you now hold.

" But I am willing to entertain the question of a more comprehensive arrangement, whether for purchase, or sale, or exchange, or a combination of all, having reference both to the property of the see and to that of the Commissioners, and, if you desire to do so, I would allow you to send this letter, or a copy of it, to the Estates Commissioners, who would then, if they thought fit, consult with me as to the course to be pursued.

(signed) " *E. Sarum.*"

From this letter it appears absolutely necessary that the great tithes and the parcels of rectorial glebe should be dealt with in conjunction with that part of the estate in which I at present possess an interest, and as I should of course be anxious to inform myself with respect to the value of these properties before proceeding any further in the matter, I beg to propose that I should call some day in Whitehall-place and see the secretary to the Commissioners, who might inform me upon these points, and also perhaps suggest some plans upon which the Commissioners, in conjunction with the Bishop of Salisbury, would be willing to proceed to an arrangement.

Address, 6, Lowndes-square, London.

(signed) *Henley.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Salisbury Bishoprick Estates.

Chardstock Parish.

Lord Henley, Lessee.

LETTER from the Secretary to the Lord *Henley*.

My Lord, Whitehall-place, 25 June 1852.

I HAVE the honour to acknowledge the receipt of your Lordship's communication of the 21st instant, and to acquaint you that having the authority of the Board I shall be at your Lordship's service any day but Wednesday in next week, between 11 and 3 o'clock, in order to confer respecting the property in the parish of Chardstock, as to which your Lordship is desirous of coming to an arrangement with the Ecclesiastical Commissioners for England and the Bishop of Salisbury.

(signed) *J. J. Chalk.*

LETTER from the Secretary to the Bishop of *Salisbury*.

My Lord, Whitehall-place, 28 June 1852.

A COPY of your Lordship's letter of the 19th instant to Lord Henley having been forwarded by his Lordship to the Church Estates Commissioners, with a request that he might be allowed to call here and confer with me on the subject of the Chardstock property, and the Commissioners having consented to his doing so, I have now the honour to acquaint your Lordship that I have just seen Lord Henley, and that he quite admits the expediency of, and has expressed his readiness to enter into, an arrangement for dealing with the episcopal property in combination with that vested in the Ecclesiastical Commissioners.

This mode of proceeding having thus been approved by all parties, the next step would seem to be to refer to the surveyors for suggestions as to the details, and to this end Messrs. Clutton will be prepared to co-operate with your Lordship's surveyor should you see fit now to put the matter in his hands. Lord Henley desired me to say that he will be happy to furnish the surveyors with any information they may require respecting the state of the copyholds, or respecting the property generally.

(signed) *J. J. Chalk.*

LETTER from the Secretary to Messrs. *Clutton*.

Dear Sirs, Whitehall-place, 6 July 1852.

CHARDSTOCK.

LORD HENLEY is the lessee, under the Bishop of Salisbury, of a large estate in this parish, and is desirous of enfranchising the same. The Ecclesiastical Commissioners for England looking to the fact that they also possess property in the parish, have suggested to the Bishop that it might be found convenient and advantageous to all parties to embrace in any arrangement with Lord Henley the property of the Commissioners, so as the more effectually to consolidate or to divide the estates; and I am directed to request that should Mr. Attwood, the Bishop's surveyor, communicate with you upon the subject, you will, on the Commissioners' behalf, assist in the consideration and settlement of the terms of such arrangement.

(signed) *J. J. Chalk.*

LETTER from the Lord *Henley* to the Secretary.

Dear Sir, Deanery, Worcester, 9 January 1853.

YOU may probably not have forgotten an interview which I had with you on the subject of an estate at Chardstock, in Dorsetshire, which I hold of the Bishop of Salisbury on lease for 21 years, and the enfranchisement of which I was anxious to obtain.

It is now some months since any steps have been taken in this business, and as I am anxious to arrive at some definite conclusion with regard to it, I should feel much obliged if you could inform me whether it is possible for me to proceed any further in the matter, and whether by doing so I should have a tolerable prospect of arriving at the object which I am desirous of obtaining.

(signed) *Henley.*

LETTER from the Secretary to the Bishop of *Salisbury*.

My Lord, Whitehall-place, 10 January 1853.

HAVING received from Lord Henley the letter of which I enclose a copy, and referred thereupon to the file of papers relating to the property at Chardstock which belongs to your Lordship and the Ecclesiastical Commissioners, I found in it the letter which I addressed to you on the 28th June last, and which I now return, together with a copy of the instructions to Messrs Clutton, referred to in the same.

In the absence of any further communication from your Lordship on this subject by Thursday next, the Commissioners will, I apprehend, reply to Lord Henley by referring him to you.

(signed) *J. J. Chalk.*

LETTER

LETTER from the Bishop of *Salisbury* to the Secretary.

My dear Sir, Salisbury, 11 January 1853.

MY surveyor, Mr. Attwood, has long had directions to attend to any communication respecting the Chardstock estate from Lord Henley's agents, and to communicate with Messrs. Clutton respecting it, and I have informed Lord Henley of this.

(signed) *E. Sarum.*

LETTER from the Secretary to the Lord *Henley.*

My Lord, Whitehall-place, 15 January 1853.

SALISBURY EPISCOPAL ESTATES.—CHARDSTOCK.

IN reply to the letter I had the honour to receive from your Lordship on the 9th instant, I beg to send you a copy of a letter addressed to me by the Bishop of Salisbury on the subject of the enfranchisement of this estate, and I would suggest that your Lordship should at once instruct your agent to place himself in communication with Mr. Attwood and Messrs. Clutton, of No. 8, Whitehall-place, the gentlemen therein referred to.

(signed) *J. J. Chalk.*

LETTER from the Lord *Henley* to the Secretary.

Sir, Deanery, Worcester, 16 January 1853.

I HAVE, according to your advice, written to Mr. Clutton, requesting him to communicate with myself (my agent at Chardstock being merely my principal tenant) as soon as any steps have been taken with respect to the enfranchisement of the estate; and I trust that the business may now proceed without any further delay.

(signed) *Henley.*

LETTER from the Lord *Henley* to the Secretary.

Dear Sir, Easton Neston, Towcester, 20 February 1853.

SEE OF SALISBURY.—CHARDSTOCK ESTATE.

I HAVE heard from Mr. Attwood, the Bishop of Salisbury's surveyor, on the subject of the enfranchisement of the above estate.

He appears to think that it rests with him, on the part of his Lordship, to "not only state the basis of the treaty, but to endeavour to settle the terms, and, having settled them, to satisfy the Church Estates Commissioners that they are fair and proper."

He wishes to know whether I will agree to pay the expenses incurred by him in getting up the facts which are necessary for him to know before making any proposal; and in my answer to that inquiry I have requested him to let me know what those expenses are likely to be.

I now write to you, to ask whether Mr. Attwood is correct in the supposition which I have quoted. I had imagined that the terms of the treaty were to be settled by the Church Estates Commissioners, and as it is necessary for me to be fully informed on this point, I shall be much obliged to you to let me know (directing, if you please, to the above address) whether he or I am correct upon this point

(signed) *Henley.*

LETTER from the Secretary to the Lord *Henley.*

My Lord, Whitehall-place, 23 February 1853.

I HAVE the honour to acknowledge the receipt of your Lordship's letter of the 20th instant, and to explain that in the case of a simple arrangement of terms for the sale to you by the Bishop of Salisbury of the reversion of the estate at Chardstock, which you hold on lease under the see, the matter should undoubtedly be settled as specified by Mr. Attwood.

As however the fact of the Ecclesiastical Commissioners possessing property in the same parish, comprising tithes and land, renders it probable that a consideration of their wishes with respect thereto, at the time of determining the course to be adopted as between your Lordship and the Bishop, might result in advantage to all parties, it would seem the better course to have the whole question entered into simultaneously by the agent of your Lordship, Mr. Attwood on the part of the Bishop, and Messrs. Clutton, of No. 8, Whitehall-place, on that of the Commissioners.

I should, perhaps, point out that the Church Estates Commissioners, and not the Ecclesiastical Commissioners, are the Board whose sanction is necessary, under the Act 14 & 15 Vict. c. 104, to any sale by the Bishop.

(signed) *J. J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Salisbury Bishoprick Estates.

Chardstock Parish,

Lord Henly, Lessee.

LETTER from the Lord *Henley* to the Ecclesiastical Commissioners for England.

13, Chichester Terrace, Brighton,
22 November 1853.

Gentlemen,

SEE OF SALISBURY.—CHARDSTOCK ESTATE.

I HAVE received a letter from the Bishop of Salisbury, mentioning a sum as the result of the valuation made for the enfranchisement of the above-mentioned estate.

The amount so very far exceeds anything which I could have expected, that I cannot but suppose that some misapprehension must exist, either as to the real value of the estate, or as to the tenure upon which I hold it.

I have therefore to beg, before dropping the subject (about which I was induced to undertake considerable expense, by a belief, founded on Mr. Attwood's letters, that the valuation was to be formed from actual survey and calculation), that I may be permitted to lay before you a statement with regard to the property; and that I may then be informed whether, as I suppose, any misapprehension really exists, or whether the sum named by the Bishop of Salisbury (39,150 *l*) is really considered as representing the interest possessed by the see in the Chardstock estate.

(signed) *Henley.*

LETTER from the Secretary to the Lord *Henley.*

My Lord, Whitehall-place, 25 November 1853.

SALISBURY EPISCOPAL ESTATES.—PARISH OF CHARDSTOCK.

I AM directed by the Ecclesiastical Commissioners for England to state, in answer to your Lordship's letter of the 22d instant, that although under the relations which subsist between the Bishop and themselves under the Order in Council providing him a fixed income, they have felt called upon to comply with his Lordship's wish for their advice on the subject of dealing with this property, they have not the power of disposing of the estate, which is still vested in his Lordship, and feel that they are therefore not in a position to enter on the consideration of any direct communication upon the subject from you to themselves.

I am, however, to intimate that any statement your Lordship may think fit to make to the Bishop relative to the proposed terms of enfranchisement would, if transmitted to the Board by his Lordship, meet with their most attentive consideration.

(signed) *J. J. Chalk*

LETTER from the Secretary to the Bishop of *Salisbury.*

My Lord, Whitehall-place, 25 November 1853.

I AM desired by the Ecclesiastical Commissioners to transmit to your Lordship the enclosed copies of letters which have passed between Lord Henley and the Board, with reference to the episcopal estate at Chardstock.

(signed) *J. J. Chalk.*

LETTER from *Fitz Macdonald*, Esq., to the Secretary.

Dear Sir, The Close, Salisbury, 2 April 1855.

SEE OF SARUM.

Re 14 & 15 Vict. c. 104.

LORD HENLEY having applied for the purchase of the reversion of the see in the manor and estate at Chardstock, which he holds for a term of 21 years, from the 25th February 1850, under lease, bearing date the following day, the Bishop has expressed his willingness to sell at the price of 29,092 *l.* 6 *s.*, exclusive of timber, subject to the approval of the Church Estates Commissioners. The purchase-money to bear interest from the 22d February ult. These terms are assented to by Lord Henley.

The enclosed calculations, prepared by Mr. Attwood, will, I think, be found to contain such information as the Commissioners may require to enable them to judge of the propriety of the sale.

You will oblige me by bringing the matter under the consideration of the Commissioners at an early date, and by informing me of their determination thereon.

(signed) *F. Macdonald.*

CALCULATIONS

CALCULATIONS for a Sale to the Lessee, under a Lease for 21 Years, bearing date (it is supposed) 25 February 1850, granted by the Lord Bishop of *Salisbury*, of the Reversion in the Manor or Lordship of Chardstock, in the County of Dorset.

	A.	R.	P.		£.	s.	d.
The DEMESNE ESTATE; comprising—							
Sundry farms, lands, and premises, containing	1,034	0	34				
Deduct, reserved in the lease over and above one acre, called the "Vicarage Orchard," viz.:—							
No. 412, called parks	3	0	5				
,, 413, called parks	7	2	21				
Part of court	0	0	31				
Farm orchard							
	10	3	17				
	1,023	1	17	Annual Value	1,190	–	–
Add, Quit-rents paid by copyhold tenants					27	15	–
Chief rents					1	2	6
Incroachment rents					90	16	3
				£.	1,309	13	9
Value of fee in reversion of a lease having 16 years to run from 25th February 1855; 13.34 years' purchase, say					17,471	10	–
COPYHOLD MANOR;* comprising—							
Sundry farms, lands, and premises, containing	1,886	0	20	Annual Value	2,996	7	9
Deduct, Quit-rents payable for same					27	15	–
				£.	2,968	12	9
Value of fee in reversion of the Lord Farmer's interest					7,906	–	–
Of the 2,968*l.* 12*s.* 9*d.*, 500*l.* for buildings, put at one year's purchase; and 2,468*l.* 12*s.* 9*d.* for land, three years' purchase.							
Carried forward				£.	25,377	10	–

* The "custom" being to hold the several copies for the "life in possession and three in reversion." It is also said that the widow of the copyholder dying in possession has a "right of widowhood."—(*Vide* Chardstock Survey, 1807.)

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Salisbury Bishoprick Estates.

Chardstock Parish.

Lord Henley, Lessee.

	£.	s.	d.
Brought forward - - - £.	25,377	10	–

COMMONS and WASTE LANDS, 1,007 A. 3 R. 14 P.

These lands are about to be enclosed.

In their present state the pasturage and the aftermath from Michaelmas to Candlemas of 19 A. 1 R. 25 P., part of Court Farm, belong to the copyhold tenants of the manor (except as to Bewley Down, over which the tenant of Bewley Farm is entitled to the run of 200 sheep).

The inclosure is to be effected, as to the general expenses, by a sale of land; and 16 acres are to be sold towards defraying the cost of fencing, and the terms of the provisional order require that

A.	R.	P.	
4	0	0	shall be allotted for the purpose of exercise and recreation; that
5	2	0	called "Tytherleigh Green," and
2	0	0	"elsewhere" shall be allotted for the labouring poor; deducting these,
11	2	0	and also 16 acres to be sold for fencing, and say from 50 to 100 acres for the general expenses, there will be left to allot, after taking out roads, about 900 acres, of which the Lord Farmer will probably take in respect of the soil about 55 acres worth.

	£.	s.	d.		£.	s.	d.
To the lessor in reversion of the lessees' possessory interest - -					440	12	–
The allotment to Bewley Farm may be about 20 acres worth.							
To the lessor in reversion of the lessees' possessory interest - -					160	4	–
And there will remain to allot to the copyholders about 825 acres worth.							
To the Lord in Fee in reversion of the Lord Farmer's interest - -					1,485	4	–
Add, Reserved rent - -	64	–	–	in money.			
	16	–	–	for 10 quarters of wheat (at 32s. per quarter, the maximum price payable).			
Land-tax - - -	48	5	8	redeemed by the bishop.			
£.	128	5	8	payable for 16 years - -	1,495	8	–
Add, for heriots, said to average 10 l. per annum, for the interest of the Lord in Fee in reversion of the Lord Farmer - - - -					133	8	–
£.					29,092	6	–

This valuation is exclusive of timber.

LETTER from the Secretary to *John Clutton*, Esq.

Dear Sir, Whitehall-place, 4 April 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK PARISH.

Re Lord *Henley*, Lessee.

I FORWARD herewith a communication received from Mr. Macdonald, upon which I have to request your advice, for the guidance of the Church Estates Commissioners. I also send the file of papers containing the correspondence which has given rise thereto.

(signed) *J. J. Chalk.*

LETTER from the Secretary to *Fitz Macdonald*, Esq.

Dear Sir, Whitehall-place, 5 April 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK PARISH AND MANOR.

Re Lord *Henley*, Lessee.

ON looking through the papers which accompanied your letter of the 2d instant, it appears that they do not comprise such particulars and information with respect to the property proposed to be dealt with as will enable the Church Estates Commissioners to enter upon a consideration of the Bishop's proposal. What I have, therefore, to ask is, that I may be furnished with a plan and statement, showing, in detail, of what the property consists, and also stating the annual and fee-simple value in possession.

(signed) *J. J. Chalk.*

LETTER from *Fitz Macdonald*, Esq., to the Secretary.

Dear Sir, The Close, Salisbury, 10 May 1855.

CHARDSTOCK.

BY this evening's train I propose to forward you for inspection a map and survey of this estate, the receipt of which I will thank you to acknowledge.

(signed) *Fitz Macdonald.*

LETTER from the Secretary to *Fitz Macdonald*, Esq.

Dear Sir, Whitehall-place, 14 May 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK PARISH AND MANOR.

Re Lord *Henley*, Lessee.

I HAVE to acknowledge the receipt of, and to thank you for, a map and survey of this estate. May I request that you will forward to me, with as little delay as possible, the statement of the fee-simple value of the property which is asked for in my letter to you of the 5th ultimo?

(signed) *J. J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Salisbury Bishoprick Estates.

Chardstock Parish.

Lord Henley, Lessee.

LETTER from *Fitz Macdonald*, Esq., to the Secretary.

Dear Sir, The Close, Salisbury, 18 May 1855.

SEE OF SARUM.—CHARDSTOCK ENFRANCHISEMENT.

THE following statement of Mr. Attwood, the surveyor, will put you in possession of the value of the fee-simple, and the details of his valuation. In its preparation, regard was had to the claims of the lessee arising from the long-continued practice of renewal.

"It having been usual to renew seven years lapsed in a lease of 21 at not exceeding two years' purchase, the fee-simple value in this case is put at 25 years' purchase, 28 years being, I believe, the full market value, taking into account the character and situation of this property, and bearing in mind also that the annual value is something above the rental.

"Thus estimated, the fee-simple value would be as under :—

	A. R. P.		£. s. d.		£.
"Demesne lands -	1,023 1 17	Annual value	1,190 – –	× 25 years' purchase	29,750
"Copyhold - -	1,886 0 20	Ditto - Land	2,500 – –	× 25 years' purchase	62,500
		Ditto - Buildings	500 – –	× 15 years' purchase	7,500
"Encroachment rents received - -	-	-	90 16 3	× 25 years' purchase	2,270
"Chief rents - -	-	-	1 2 6	× 25 years' purchase	28
	2,909 1 37		£. 4,281 18 9		£. 102,048

"The commons (after deducting part to be sold for expenses and part to be set out for recreation and the poor) may comprise about nine hundred acres, whereof 55 acres, more or less, according to value, may be allotted to the lord in lieu of his right of soil.

20 acres in respect of Bewley Down, leasehold,

and 825 acres will be divisible amongst the copyhold tenants.

900 acres, worth, in fee, about 15 *l.* per acre, 13,500 *l.*"

I regret that circumstances should have prevented my sending you this earlier.

(signed) *Fitz Macdonald.*

LETTER from the Secretary to *J. Clutton*, Esq.

Dear Sir, Whitehall-place, 23 May 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK PARISH AND MANOR.

Re Lord *Henley*, Lessee.

I SEND you herewith two further communications received from Mr. Macdonald, with reference to the proposal which accompanied my letter of instructions of the 4th ultimo.

(signed) *J. J. Chalk.*

LETTER

LETTER from *Fitz Macdonald*, Esq., to the Secretary.

Dear Sir, Close, Sarum, 23 June 1855.

CHARDSTOCK ENFRANCHISEMENT.

I HAVE a letter from Lord Henley, pressing for a decision in this case, and in which he states, "I cannot possibly hold myself bound to the sum which I offered some months ago, in case a fall in the funds, or a rise in the rate of interest, should render it more difficult for me to accomplish the purchase than it has hitherto been."

Can you tell me how soon you shall be in a position to inform me of the Commissioners' determination.

(signed) *F. Macdonald.*

LETTER from the Secretary to *Fitz Macdonald*, Esq.

Dear Sir, Whitehall-place, 26 June 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK PARISH.

Re Lord *Henley*, Lessee.

IN answer to your letter of the 23d instant, I write to say that the terms of this proposed enfranchisement are under consideration by the advisers of the Church Estates Commissioners on questions of value, and that as soon as their report shall have been received the case will be laid before the Commissioners for decision. I cannot, however, state with certainty how soon this will take place.

(signed) *J. J. Chalk.*

LETTER from *John Clutton*, Esq., to the Secrteary.

Dear Sir, 14, Whitehall-place, 10 July 1855.

SALISBURY BISHOPRICK ESTATES.—CHARDSTOCK.

Lord *Henley*, Lessee.

I HAVE considered the proposed sale of the reversionary interest of the See of Salisbury in the manor and demesne estate of Chardstock, held by Lord Henley, by lease for 21 years, from the 25th February 1850, subject to reserved rents amounting to 128 *l.* 5 *s.* 8 *d.* per annum.

The property consists of 1,023 A. 1 R. 17 P. of demesne, and 1,886 A. 0 R. 20 P. of copyhold land, in addition to the commons and waste lands now in course of inclosure, of which it is estimated that, after paying the expenses, about 75 acres will be allotted to the lord, and about 825 acres to the copyhold tenants. The total extent of the property in question may therefore be taken at about 3,800 acres. There are also encroachments and free rents demised by the lease, amounting to 91 *l.* 18 *s.* 9 *d.* per annum. The quit-rents payable from the copyhold land to the lessee, as lord farmer, during the term of the lease, amount to 27 *l.* 15 *s.* per annum, and the heriots are stated to average 10 *l.* per annum.

It is proposed that the transaction shall date from the 22d of February last, when 16 years of the lease were unexpired, and the sum agreed for the sale of the reversionary interest of the see is 29,092 *l.* 6 *s.*, exclusive of the timber. Of this price I find that about 19,197 *l.* 6 *s.* is charged in respect of the interest of the see in the reserved rents, encroachment rents, and demesne lands, and about 9,895 *l.* in respect of the interest of the see in the quit-rents, the heriots, and the copyhold portion of the property.

The fee-simple value of the demesne portion of the estate is estimated by Mr. Attwood, the surveyor of the see, at 33,173 *l.*, the annual value being placed by him at 25 years' purchase. The fee-simple value of the copyhold portion is estimated by him at 82,375 *l.*, the annual value of the land being taken at 25 years' purchase, and of the farm buildings and cottages upon it at 15 years' purchase.

The fee-simple value is so reduced by Mr. Attwood to 25 years' purchase, "in consideration of the claims of the lessee arising from the long-continued practice of renewal." I see

no reason, so far as relates to the demesne lands, for departing in this case from the recommendations of the Committee of the House of Lords, by reducing the number of years' purchase of the property.

The lessee is lord farmer of the whole of the copyhold premises, and copyholder of about one-third of them; and if the enfranchisement should not take place, will get into possession during his lease as much larger an extent as he can, and restate the whole with four young lives, subject to the custom of the manor just previous to the expiration of his term.

With respect to this portion of the estate, it is clear that the lessee has no claim to beneficial consideration; for the fact of his having run out the copies has deprived the copyholders of any consideration in respect of the custom of renewal to which they might have had a claim under the recommendations of the Lords' Report. There can therefore, as regards the copyholds, be no pretence for adopting 25 years' purchase as the basis of dealing.

I therefore advise that the approval of this proposal be declined, on the specific ground that the surveyor of the see has not proceeded on the principles laid down in the recommendations of the Committee of the House of Lords for dealing with farms and tithe rent-charges.

In the event of the proposal for the sale of the property being reopened, I think that the value of the interest of the see in the copyhold portion of the estate will require to be specially considered; but it would seem that this case is peculiarly one in which it would be expedient to purchase the leasehold interest rather than to sell the reversion, if such an arrangement could be effected.

(signed) *John Clutton.*

Extract from Minutes of Church Estates Commissioners, at a Meeting held Thursday, 12th July 1855.

Salisbury Bishoprick Estates.—Chardstock Parish.

Read a proposal by the Bishop, to sell to Lord Henley, at the price of 29,092 *l.* 6 *s.*, the reversion of the manor of Chardstock, consisting of 1,023 A. 1 R. 17 P. of demesne, of 1,886 A. 0 R. 20 P. of copyhold land, of certain waste lands now in course of inclosure, and of certain annual payments in respect of quit, chief, and encroachment rents, and heriots, amounting together to 129 *l.* 13 *s.* 9 *d.*, held by Lord Henley, under a lease for 21 years, dated the 26th of February 1850, subject to annual reserved rents, amounting together to 128 *l.* 5 *s.* 8 *d.*

Read also a report from Mr. John Clutton, stating that he finds that the recommendations of the Committee of the House of Lords have in this case been departed from, by reducing the number of years' purchase to 25, adding that, so far as the demesne lands are concerned, he sees no reason for such a departure; and having regard to this, and the other circumstances specified in his report, Mr. Clutton advises that the Commissioners should decline to approve the sale on the terms proposed.

Mr. Clutton suggests also that, in the event of the negotiation being renewed, the value of the reversion of the copyhold portion of the estate should be specially considered; and concludes by expressing it as his opinion that the purchase of the leasehold interest in the property, if it could be effected, would be a much more desirable course than the sale of the reversion.

Resolved, That a copy of the foregoing report be transmitted to the Bishop, with an intimation that the Commissioners concur in the views therein expressed.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict. c. 116.

CORRESPONDENCE, &c. relating to the ENFRANCHISEMENT of certain LANDS in the Parish of HALLOW, held by *Thomas Hyde*, Esq., by Copy of Court Roll, under the BISHOP of WORCESTER.

LETTER from *Thomas Hyde*, Esq., to the Secretary.

Sir, Worcester, 37, Foregate-street, 5 April 1853.

WORCESTER EPISCOPAL ESTATES.—MANOR OF HALLOW.

IT is now near 12 months since I first applied to Mr. Helm, of this city, the steward of the Lord Bishop of Worcester, to enfranchise my estate called "Partridge's and Culliter's," situate in the manor of Hallow, in this county, and held under the Lord Bishop of Worcester, by copy of court roll for four lives, and it is upwards of six months since I furnished Mr. Helm with full particulars of the estate, and copy of the valuation of Mr. Webb, the valuer appointed on behalf of the bishop. The terms of enfranchisement (subject to the Commissioners' approval) were approved of, but though I have repeatedly applied to Mr. Helm to complete the business I have not been able to make any progress whatever therein, and the matter stands just where it did six months ago.

I shall be glad, therefore, to know what steps I may take to complete the enfranchisement, and whether I can effect the business by communicating with the Commissioners in London.

Mr. Helm is in very ill health, and I wish to avoid giving him any unnecessary trouble.

(signed) *Thos. Hyde.*

You will please understand that my estate is of copyhold tenure, being copyhold for four lives, under the Bishop of Worcester.

LETTER from the Secretary to *Thos. Hyde*, Esq.

Sir, Whitehall-place, 8 April 1853.

WORCESTER EPISCOPAL ESTATES.—MANOR OF HALLOW.

IN reply to your letter of the 5th inst., I beg to acquaint you that no communication on behalf of the Bishop of Worcester respecting the enfranchisement of the estate to which you refer has been received by the Church Estates Commissioners, and as the Commissioners have no authority to take the initiative in matters of this kind, I regret that I can render you no assistance in completing the arrangements you have in view.

(signed) *James J. Chalk.*

LETTER from *C. A. Helm*, Esq., to the Secretary.

Dear Sir, College-yard, Worcester, 29 September 1853.

SEE OF WORCESTER.

HALLOW MANOR ESTATES, called PARTRIDGE'S and CULLITER'S, being Copies No. 26 and 43.—*Re* Hyde.

I BEG to enclose you a valuation made by Mr. James Webb, surveyor of this city, of an estate in this manor, for the purpose of enfranchisement, to which is attached an agreement, signed by the Bishop and copyholder, for the sale and purchase of the reversionary interest, subject to the approval of the Church Estates Commissioners.

(signed) *W. Vernon Wall,*
for Mr. *Helm.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Worcester Bishoprick Estates.

Hallow Parish.

Thomas Hyde, Esq., Copyholder.

PARTICULARS of ESTATES called PARTRIDGE'S and CULLITER'S, situate in the Parish of *Hallow* and County of *Worcester*; held under the Lord Bishop of Worcester, as Lord of the Manor of Hallow, by Copies of Court Roll for Four Lives, viz. (in Partridge's Farm) for the Lives of Sir S. H. Lechmere, aged 55 Years, in Possession; and the Rev. A. B. Lechmere, aged 50 Years; Rev. J. M. P. Hopton, aged 44 Years; and E. A. Lechmere, Esq., aged 26 Years, in Reversion; and an Estimate of the Amount which should annually be paid to the said Lord Bishop of Worcester, in lieu of the Fines, Heriots, Corn Rents, and Quit Rents, &c. by way of Rentcharge, for the Enfranchisement of such Copyhold Estates, under the provisions of an Act of Parliament passed in the Reign of Her present Majesty for that purpose.

NUMBERS.	NAMES OF PIECES.	STATE.	QUANTITY. A. R. P.
784	Great Pinch Field	Pasture	16 1 11
785	Partridge's Farmhouse, Rick-yard, &c.		0 3 33
786	The Bank Piece	Pasture	6 0 30
787	White Field ditto	ditto	8 0 1
788	Garden	Arable	0 3 38
789	The Orchard	Pasture	2 3 19
790	The Common and Little Pinch Field	ditto	13 2 25
830	Daisy Meadow	ditto	6 1 30
831	Earthy Field	Arable	9 3 33
832	Pond	Water	0 0 30
833	The Twelve Acres	Pasture	12 0 12
834	Little and Great Frenchlands	Meadow	10 0 38
835	The Four Acre Coppice	Wood	4 2 18
836	The Five Acres	Pasture	6 3 29
840	Hopyard Piece	ditto	4 2 4
844	Pigot's Hill*	Arable	5 1 20
845	Pigott's Coppice	Coppice	0 2 7
1,021	Old Partridge Orchard	Pasture	10 3 36
1,023	Lawn Hill Meadow	ditto	8 3 36
1,024	The Moat Piece	Arable	3 0 8
1,032	Lawn Hill	Pasture	8 3 28
1,033	Lawn Hill Coppice	Wood	0 1 37
1,050	Coppice	ditto	0 2 14
1,122	Bucket's Corner	Pasture	8 3 32
1,123	The Six Acres	Arable	6 3 2
1,124	Part of the Six Acres	Pasture	0 1 11
1,127	The Forty Acres	Wood	0 3 30
1,128	The Ten Acres	Pasture	12 0 21
1,129	Lower Coppice	Wood	3 0 21
1,130	Piece adjoining Lower Coppice	Pasture	6 2 16
			181 2 30

[*See* Plan No. XIII. at end of Appendix.]

OBSERVATIONS.

PARTRIDGE'S FARM.

I have carefully valued this estate, which I consider worth per annum 251 *l.* 12 *s.*, and having taken into consideration the ages of the present lives and of the lives usually placed in copy on the death of a possession or reversion life, the average duration of such lives, and the consequent average periodical fines, &c. which would be paid to the lord according

OBSERVATIONS—*continued.*

according to the proportions of rent which have been usually paid, and on such calculations have assumed that the amount which the lord would receive would be equivalent to a sum of 188 *l.* 14 *s.* every eight years.

I therefore estimate the terms of enfranchisement as follows :—

	£.	s.	d.
Average annual receipt from fines on renewals	23	11	9
Five per cent. for probability of two lives occasionally dropping at same time	1	3	7
Average annual receipts from heriots, calculated at 10 *l.* 10 *s.* each, and happening once in 16 years	–	13	2
To receipts from fines on alienation, calculated at 10 *l.* 10 *s.*, and happening once in 21 years	–	10	–
	25	18	6
Annual interest at four per cent. on 30 *l.* 14 *s.*, the sum which represents the lord's interest in the timber (beyond the timber necessary and used for repairs by custom)	1	4	7
10 per cent. on the average annual receipts from fines for the advantage to the copyholder by the enfranchisement (this estate being purely agricultural, and not adapted for building or other purposes)	2	11	10
Estimated value of 28 bushels of wheat (yearly rent) at 7 *s.* – ½ *d.*	9	16	7
Ditto 8 bushels of oats – 2 *s.* 9 *d.*	1	2	–
Hay tithe 1 ½ *d.*, head silver 6 *d.*	–	–	7½
£.	40	14	1½

Making the annual rentcharge to be henceforth paid by way of enfranchisement the sum of 40 *l.* 14 *s.* 1 ½ *d.*, or such gross sum as would purchase this amount in consols, estimated at their current price at the time of such enfranchisement.

In the estimate, both of the annual value of the estate and the amount to be paid by way of rentcharge for the enfranchisement, the average prices of grain have been reckoned under the Tithe Commutation Act, viz., wheat 7 *s.* 0 ½ *d.*, barley 3 *s.* 11 ½ *d.*, and oats 2 *s.* 9 *d.* per imperial bushel.

James Webb, Valuer.

Worcester, 28 June 1852.

By virtue of the powers contained in the several Acts of Parliament made and passed in the reign of Her present Majesty relative to the enfranchisement of copyhold property, and particularly an Act passed in the 16th and 17th years of the reign of Her present Majesty, intituled, "An Act to explain and amend the Copyhold Acts," the Right Reverend Henry Lord Bishop of Worcester agrees to sell, and Thomas Hyde, of the city of Worcester, gentleman, agrees to purchase, subject to the approval of the Church Estates Commissioners, the reversion, estate, and interest of the said Lord Bishop in the premises described in the valuation hereunto annexed, in consideration of the sum of 40 *l.* 14 *s.* 1 ½ *d.*, to be henceforth paid annually by the said Thomas Hyde, his heirs, executors, administrators, or assigns, to the said Lord Bishop and his successors, by way of rentcharge, and variable according to the prices of corn (in accordance with the principle of the Tithe Commutation Act), or by payment of such a gross sum as would purchase this amount in consols, estimated at their current price at the time of enfranchisement, as may be then agreed upon between the said parties. Dated this 15th day of September 1853.

H. Worcester.
Thos. Hyde.

CULLITER'S FARM.

HELD for the Lives of Joseph Walker, aged 55 Years, in Possession, and Rev. A. B. Lechmere, aged 50 Years, Rev. J. H. T. Allen, aged 42 Years, Rev. J. M. P. Hopton, 44 Years, in Reversion.

NOS.	NAMES OF PIECES.	STATE.	QUANTITY. A. R. P.
1,016	Copen Pit	Pasture	2 2 14
1,025	Road	ditto	0 0 31
1,026	The Little Paddock	ditto	1 1 2
1,098	Brake Piece	Arable	5 1 17
1,104	Orchard	Pasture	3 1 1
1,105	The little Orchard	ditto	1 0 15
1,106	Thistley Piece	ditto	4 1 18
1,107	The Long Meadow	ditto	3 1 3
1,095	Coppice Close	Arable	4 0 24
1,096	Part of Long Meadow	Pasture	0 2 12
1,108	Adjoining the House	Arable	3 0 28
1,109	Cuiliter's Farm House, Rick Yard, &c.		0 2 2
1,110	Buildings, Yard, and Pond		0 1 18
1,111	The Orchard	Pasture	2 1 16
1,112	Barn Close	ditto	0 3 3
1,114	The Hill Piece	Arable	5 1 34
1,115	The Paddock	Pasture	2 1 35
			41 0 33

[*See* Plan No. XIV. at end of Appendix.]

OBSERVATIONS.

I have carefully valued this estate, which I consider worth per annum 58 *l.*; and having taken into consideration the ages of the present lives, and of the lives usually placed in copy on the death of a possession or reversion life, the average duration of such lives, and the consequent average periodical fines, &c., which would be paid to the lord, according to the proportions of rent which have been usually paid, and on such calculations have assumed that the amount which the lord would receive would be equivalent to a sum of 43 *l.* 10 *s.* every eight years.

I therefore

I therefore estimate the terms of enfranchisement as follows :—

	£.	s.	d.
Average annual receipts from fines on renewals	5	8	9
Five per cent. for probability of two lives occasionally dropping at same time	–	5	5
Average annual receipts from heriots, calculated at 8 *l.* 8 *s.* each, and happening once in 16 years	–	10	6
Receipts from fines on alienation, calculated at and happening once in 21 years	–	8	–
	6	12	8
Annual interest at four per cent. on 4 *l.* 7*s.*, the sum which represents the lord's interest in the timber (beyond the timber necessary or used for repairs by custom)	–	3	6
Ten per cent. on the average annual receipts from fines, &c., for the advantage to the copyholder by the enfranchisement (this estate being purely agricultural, and not adapted for building or other purposes)	–	13	4
Yearly rent 8 *s.*, hay tithe 1 ½ *d.*	–	8	1 ½
£.	7	17	7 ½

Making the annual rentcharge to be henceforth paid by way of enfranchisement the sum of 7 *l.* 17 *s.* 7 ½ *d.*, or such gross sum as would purchase this amount in consols, estimated at their current price at the time of such enfranchisement.

In the estimate, both of the annual value of the estate and the amount to be paid by way of rentcharge for the enfranchisement, the average prices of grain have been reckoned under the Tithe Commutation Act, viz., wheat 7 *s.* 0 ½ *d.*, barley 3 *s.* 11 ½ *d.*, and oats 2 *s.* 9 *d.* per imperial bushel.

Worcester, 28 June 1852. *James Webb*, Valuer.

By virtue of the powers contained in the several Acts of Parliament made and passed in the reign of Her present Majesty relative to the enfranchisement of copyhold property, and particularly an Act passed in the 16th and 17th years of the reign of Her present Majesty, intituled, "An Act to explain and amend the Copyhold Acts," the Right Reverend Henry Lord Bishop of Worcester agrees to sell, and Thomas Hyde, of the city of Worcester, gentleman, agrees to purchase, subject to the approval of the Church Estates Commissioners, the reversion, estate, and interest of the said Lord Bishop in the premises described in the valuation hereunto annexed, in consideration of the sum of 7 *l.* 17 *s.* 7 ½ *d.*, to be henceforth paid annually by the said Thomas Hyde, his heirs, executors, administrators, or assigns, to the said Lord Bishop and his successors, by way of rentcharge, and variable according to the prices of corn (in accordance with the principle of the Tithe Commutation Act), or by payment of such a gross sum as would purchase this amount in consols, estimated at their current price at the time of enfranchisement, as may be then agreed upon between the said parties. Dated this 15th day of September 1853.

(signed) *H. Worcester.*
Thomas Hyde.

Letter from the Secretary to *E. J. Smith*, Esq.

Dear Sir, Whitehall-place, 3 October 1853.

Worcester Episcopal Estates.—Manor of Hallow.—Partridge and Culliter's Farms.

Re *Thomas Hyde*, Copyholder.

I forward herewith a communication received from Mr. Helm, upon which I have to request your advice, for the guidance of the Church Estates Commissioners.

(signed) *James J. Chalk.*

Appendix.

Church Estates Commissioners.

Enfranchisements, &c.

Worcester Bishoprick Estates.

Hallow Parish.

Thomas Hyde, Esq., Copyholder.

LETTER from *E. J. Smith*, Esq., to the Secretary.

Dear Sir, 14, Whitehall-place, 26 October 1853.

WORCESTER EPISCOPAL ESTATES.—PARISH OF HALLOW.

Thomas Hyde, Esq., Copyholder for Lives.

IN this case it is proposed to sell the reversion of 181 A. 2 R. 30 P. of land, worth 251 *l.* 12*s.* yearly, held by four lives, now aged 56, 51, 45, 27, at a reserved rent of 10 *l.* 18 *s.* 7 *d.* for a rentcharge of 40 *l.* 14 *s.* 1 ½ *d.*, and also of 41 A. 0 R. 33 P. of land, worth 58 *l.* yearly, held by four lives, now aged 56, 51, 45, 43, at a reserved rent of 8 *s.*, for a rentcharge of 7 *l.* 17 *s.* 7 ½ *d.*; making a total rentcharge of 48 *l.* 11 *s.* 9 *d.* as the price of both reversions.

This rentcharge being equivalent, at 25 years' purchase, to 1,215 *l.*, and the value of the reversions, according to the usual scale, being 3,250 *l.*, I advise that the Board decline to approve this proposal.

(signed) *Edmund James Smith.*

EXTRACT from Minutes of Church Estates Commissioners, at a Meeting held Friday, 28 October 1853.

WORCESTER EPISCOPAL ESTATES.—MANOR OF HALLOW.

READ a proposal by the Bishop, to enfranchise to Mr. Thomas Hyde, in consideration of a rentcharge of 48 *l.* 11 *s.* 9 *d.*, to be made payable out of the property enfranchised, two estates situate in the parish of Hallow, one of which consists of 181 A. 2 R. 30 P. of land, with a messuage thereon, held by him by copy of court roll of this manor for four lives, now aged 56, 51, 45, and 27 years, subject to an annual payment of 10 *l.* 18 *s.* 7 *d.*; and the other, of 41 A. 0 R. 33P. of land, with a messuage thereon, also held by copy of court roll of this manor, for four lives, now aged 56, 51, 45, and 43 years, subject to an annual payment of 8 *s.*

Read also a report from Mr. E. J. Smith, advising that the Commissioners decline to sanction the sale on the terms proposed, the rentcharge being equivalent, at 25 years' purchase, to 1,215 *l.*, whereas the value of the reversion, according to the usual scale, is 3,250 *l.*

Resolved accordingly.

LETTER from the Secretary to *C. A. Helm*, Esq.

Dear Sir, Whitehall-place, 2 November 1853.

WORCESTER EPISCOPAL ESTATES.—MANOR AND PARISH OF HALLOW.

Re *Thomas Hyde*, Copyholder.

I HAVE submitted to the Church Estates Commissioners your communication of the 29th September last, containing a proposal by the Bishop to enfranchise to Mr. Hyde, in consideration of two rentcharges, amounting together to 48 *l.* 11 *s.* 9 *d.*, two estates, one comprising 118 A. 2 R. 30 P. of land, and the other 41 A. 0 R. 33 P. of land, both of which are situate in this parish, and are each held by him by copy of court roll of this manor, for four lives, and I am directed to acquaint you, that the consideration above specified does not, in the Commissioners' opinion, adequately represent the value of the Bishop's interest in the estates in question, and that they must therefore decline to sanction the enfranchisement on the terms proposed.

(signed) *J. J. Chalk.*

LETTER from the Secretary to Messrs. *Lampard & Bowker.*

Dear Sirs, Whitehall-place, 25 July 1853.

WINCHESTER CAPITULAR ESTATES.—PARISH OF DEAN.

Re *W. H. Beach,* Lessee.

I HAVE submitted to the Church Estates Commissioners your communication of the 5th of May last, containing a proposal to sell to Mr. Beach, for the sum of 1,185 *l.*, the reversion of an estate called West Oakley Farm, in which he is interested under a lease for years, and I am directed to transmit to you a copy of their surveyor's report upon the case, and to state that they acquiesce in his opinion as therein expressed.

(signed) *James J. Chalk.*

LETTER from *J. Lampard,* Esq. to the Secretary.

Dear Sir, Winchester, 1 August 1853.

WINCHESTER CAPITULAR ESTATES.—WEST OAKLEY FARM.

William Hicks Beach, Esq., Lessee.

I BEG to acknowledge the receipt of your letter of the 25th ultimo, enclosing a copy of Mr. Clutton's report on the proposed enfranchisement of this property, for the effecting of which the Dean and Chapter considered the sum of 1,150 *l.* should be paid, together with 35 *l.* for the timber, but which Mr. Clutton considers too small a sum, and advises the Church Estates Commissioners not to sanction the sale unless the lessee is willing to give 1,700 *l.*, and the transaction be completed at Michaelmas next.

In consequence of such communication I was directed by the Dean and Chapter to submit to their surveyor, Mr. Comely, Mr. Clutton's report, and I transmit herewith a copy of Mr. Comely's reply.

With regard to Mr. Comely's statement on the subject of timber, I beg to observe that in this county only oak, ash, and elm are deemed to be timber.

Before applying to Mr. Beach again on the subject the Dean and Chapter would suggest that you should submit Mr. Comely's letter to Mr. Clutton for his consideration, in order that he might advise whether he sees any ground for altering his recommendation as to the price asked.

(signed) *J. Lampard.*

LETTER from *John Gill Comely,* Esq. to *J. Lampard,* Esq.

Dear Sir, Winchester, 28 July 1853.

WEST OAKLEY FARM.

IN reference to the great difference of opinion of the value of the property proposed to be enfranchised by the Rev. the Dean and Chapter of Winchester to their lessee, William Hicks Beach, Esq., I have respectfully to state that I conceive the difference in the estimates of the value of the timber is on account that Mr. Clutton must have included the fir and beech in the plantations and park, which the Dean and Chapter have not been accustomed to charge in the enfranchisements, excepting such timbers or plantations are reserved by the covenants of the lease, and which is not the case at Oakley.

It has been generally considered that the lessees are not liable to be charged for such timber as is planted for their own advantage in plantations, with the expectation of the removal of the same at any time during the continuance of their lease.

There are also some old elms standing in the fence to the homestead which I did not charge, for the reason that I have always understood from my father that Mr. Beach has at all times repaired the premises with his own freehold timber, with the understanding

that the Dean and Chapter would not sell any portion of that on the estate, which would not have more than provided for the repair of the buildings, &c. as occasionally required.

Under these circumstances, I have not any reason to doubt the propriety of my valuation, either respecting the remainder of the timber, or respecting the lands and buildings, which I should not feel justified in stating at a greater amount, notwithstanding it is possible that Mr. Beach may, under his peculiar circumstances, be induced to accept almost any terms offered to him; but it must be remembered that the circumstance of the intermixture with his freehold estate and park renders the leasehold estate in the same proportion undesirable to any other person as it is desirable to Mr. Beach, and there is not any road to the extreme end of the leasehold estate but along the whole length thereof, from the turnpike road, southwards, or through the freehold lands of Mr. Beach.

I conceive the price at which I have estimated the annual value exceeds the value for rental by any other person than Mr. Beach.

(signed) *John Gill Comely.*

Letter from the Secretary to *J. Clutton*, Esq.

Dear Sir, Whitehall-place, 5 August 1853.

Winchester Capitular Estates.—Parish of Dean.

Re *W. H. Beach*, Lessee.

I forward herewith a further communication received from Mr. J. Lampard, upon which I have to request your advice, for the guidance of the Church Estates Commissioners. I also send you the file of papers containing the correspondence which has given rise thereto.

(signed) *J. J. Chalk.*

Letter from *J. Clutton*, Esq. to the Secretary.

Dear Sir, 8, Whitehall-place, 8 August 1853.

Winchester Capitular Estates.—Parish of Dean.

William Hicks Beach, Esq., Lessee.

In accordance with your instructions I have considered the communications from Mr. Lampard and Mr. Comely, in reply to my report of the 18th ult., as to the terms upon which the Commissioners should sanction the proposed enfranchisement of this property.

It appears from Mr. Comely's statement, that he did not value the fir and beach timber, because such timber is not specifically reserved in the lease; nor the old elms near the homestead, because he had always understood from his father that Mr. Beach had at all times repaired the premises with his own freehold timber.

I would therefore suggest that, in future cases, on giving an estimate for the sale of the timber on an estate, the reasons should be stated why only a portion of such timber has been valued, otherwise it would seem to me that the timber must be assumed to have been valued as it stands.

With respect to Mr. Comely's statement as to the value of the property, I see no reason to alter my former recommendation, but having regard to his statement respecting the timber, I advise that the Commissioners offer to reduce the price at which they will approve the sale from 1,700 *l.* including timber, to 1,650 *l.* including timber.

(signed) *John Clutton.*

Extract from Minutes of Church Estates Commissioners, at a Meeting held Tuesday, 16 August 1853.

Winchester Capitular Estates.—Parish of Dean.

Read a further communication from the Chapter clerk with reference to the resolution of the 21st ult., requiring that 1,700 *l.* should be paid by Mr. Beach for the reversion of the property referred to in such resolution.

The communication is accompanied by a statement by the Dean and Chapter's surveyor, affirming his belief in the correctness of the valuation upon the terms upon which the Chapter had agreed to sell the reversion of the property and timber at the price of 1,185 *l.*, and

and stating, with reference to the timber, that he has not valued the fir and beech timber, because such timber is not specifically reserved in the lease under which the property is held, nor the elms near the homestead, he having understood that Mr. Beach had at all times repaired the premises with timber cut from off his own adjacent freehold land.

Read also a report from Mr. J. Clutton, suggesting that in future cases where only a portion of the timber on the property sold has been valued, the reason for the adoption of such a course be given, and stating that he sees no reason to alter the opinion as to the value of the property expressed by him in his report upon the proposal which was before the Board on the 21st ult., but having regard to the statement respecting the timber, he advises that the Commissioners' consent to a reduction in the price at which they offered to approve the sale to 1,650 *l.*, including timber.

Resolved, That a copy of this report be forwarded to the Dean and Chapter, with an intimation of the Commissioners' concurrence in the views therein expressed, and of their willingness to approve the sum of 1,650 *l.* as the purchase money to be paid for the property.

LETTER from the Secretary to Messrs. *Lampard & Bowker.*

Gentlemen, Whitehall-place, 22 August 1853.

WINCHESTER CAPITULAR ESTATES.—PARISH OF DEAN.

Re *W. H. Beach*, Lessee.

I HAVE laid before the Church Estates Commissioners your communication of the 1st inst., with reference to the proposed sale to Mr. Beach of the reversion of West Oakley Farm, and am directed by them to transmit to you the enclosed copy of a further report thereon from Mr. John Clutton, the suggestions and advice contained in which the Commissioners concur in, and are prepared to act upon.

(signed) *J. J. Chalk.*

LETTER from *J. Lampard*, Esq. to the Secretary.

Dear Sir, Winchester, 21 October 1853.

I ENCLOSE you a copy of Mr. Beach's letter to me, by which he declines the terms proposed for enfranchising his leasehold estate at Oakley Hall.

(signed) *J. Lampard*,
Chapter Clerk.

LETTER from *W. Beach*, Esq. to *J. Lampard*, Esq.

Sir, Oakley Hall, 13 October 1853.

IN answer to your last letter I have only to say that I decline to accept the terms proposed by the Church Commissioners for the enfranchisement of the small leasehold which I hold, and which my family has held for some centuries under the Dean and Chapter of Winchester.

In doing so, I think it right to add that I was perfectly satisfied with the terms proposed in your first letter on Mr. Comely's valuation.

Of course I have not seen Mr. Clutton's valuation, but I have reason to think that the Commissioners added several hundred pounds in consideration of the locality, which (as it appears to me) is not consistent either with equity or with the Act of Parliament.

(signed) *W. Beach.*

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c., under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

STATEMENT of Costs paid in respect of Enfranchisements effected under the Sees of Canterbury and York; also, under the Dean and Chapter of Durham.

ARCHBISHOP OF CANTERBURY.

NAME of LESSEE.	COSTS PAID TO				Total Costs.	Fee-Simple Value.
	Commissioners' Solicitor.	Corporation's Solicitor.	Commissioners' Surveyor.	Corporation's Surveyor.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Sir B. W. Bridges - -	6 11 8	19 7 2	22 14 9	25 19 6	74 13 1	8,100 – –
Rev. J. Billington - -	10 5 4	30 19 6	17 17 9	16 12 9	75 15 4	5,174 – –
Devisees of Chollett - -	5 6 8	19 13 2	12 7 3	22 18 –	60 5 1	3,089 – –
Messrs. Fielden - - -	21 8 2	199 2 8	153 2 6	182 19 4	556 12 8	108.000 – –
E. R. Rice - - -	7 19 4	19 7 10	31 5 6	39 4 –	97 16 8	12,052 – –
£.	51 11 2	288 10 4	237 7 9	287 13 7	865 2 10	136,415 – –

Average Costs, 12 *s.* 8 *d.* per Cent.

ARCHBISHOP OF YORK.

NAME of LESSEE.	COSTS PAID TO				Total Costs.	Fee-Simple Value.
	Commissioners' Solicitor.	Corporation's Solicitor.	Commissioners' Surveyor.	Corporation's Surveyor.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
John Dickson - - -	10 15 4	18 4 10	40 5 6	- - -	69 5 8	31,267 – –
Jacob Laybourne - -	9 4 6	18 3 9	9 18 4	6 6 –	43 12 7	2,656 – –
Garnett & Hartley - -	10 1 –	37 2 4	15 19 8	7 7 –	70 10 –	7,720 – –
Earl of Zetland - - -	6 8 8	14 11 1	9 2 6	3 3 –	33 5 3	4,764 – –
Robert Chaloner - -	14 15 2	40 18 3	18 5 –	5 5 –	79 3 5	16,772 – –
F. B. Robinson - - -	25 1 8	28 16 5	57 6 4	56 7 9	167 12 2	26,635 – –
Maxwell & Bland - -	10 15 10	22 4 1	60 – –	30 – –	122 19 11	28,700 – –
T. Houldsworth - - -	10 19 2	17 8 10	13 – 6	9 10 –	50 18 6	3,011 – –
Rd. Milward - - -	10 18 10	45 1 5	46 13 6	22 9 –	125 2 9	18,697 – –
Miss F. Milward - -	11 2 6	16 8 11	43 4 10	24 15 3	95 11 6	16,998 – –
H. S. Thompson - - -	9 5 10	13 3 3	26 10 2	10 – 9	59 – –	7,856 – –
John Rooke - - -	9 2 4	96 8 11	24 15 –	10 14 –	141 – 3	7,800 – –
Jos. Smith, and others -	8 10 6	65 4 11	27 16 11	5 5 –	106 17 4	8,918 – –
£.	147 1 4	433 17 –	392 18 3	191 2 9	1,164 19 4	181,794 – –

Average Costs, 12 *s.* 10 *d.* per Cent.

DEAN AND CHAPTER OF DURHAM.

NAME of LESSEE.	COSTS PAID TO				Total Costs.	Fee-Simple Value.
	Commissioners' Solicitor.	Corporation's Solicitor.	Commissioners' Surveyor.	Corporation's Surveyor.		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
G. G. Mounsey	8 19 2	7 17 4	27 4 1	40 11 –	84 11 7	9,376 – –
J. Forster	8 9 –	5 12 8	8 9 3	8 8 –	30 18 11	1,586 – –
T. Punshon	4 4 –	- - -	2 4 –	- - -	6 8 –	240 – –
Wm. Green	8 – 6	4 9 8	5 12 10	7 7 6	25 10 6	729 – –
Hodgson & Lee	7 14 2	8 11 10	5 1 4	4 16 –	26 3 4	634 – –
J. Wardell	12 17 4	5 7 4	6 1 4	10 – –	24 6 –	864 – –
J. Howe	3 13 –	3 19 –	1 3 8		18 15 8	157 – –
Joshua Green	5 17 4	2 13 6	1 18 1	2 6 2	12 15 1	231 – –
W. Clarke	6 5 10	2 18 2	1 17 3	2 4 8	13 5 11	223 – –
Messrs. Heppel	4 14 –	2 11 –	1 14 6	1 19 4	10 18 10	196 – –
J. Barrow	6 6 6	3 – 8	7 2 9	7 12 9	24 2 8	1,056 – –
R. Ingham, M. P.	9 17 –	5 19 10	19 3 2	17 15 4	52 15 4	5,219 – –
W. Pearson	7 – 2	2 19 8	5 7 –	6 2 –	21 8 10	720 – –
R. Ingham, and others	4 4 –	- - -	1 15 7	- - -	5 19 7	206 – –
J. Robinson	6 19 4	4 12 2	2 18 10	6 12 9	21 3 1	819 – –
R. W. Swinburne	7 3 2	2 17 6	1 13 6	3 – 6	14 14 8	217 – –
J. Young, and others	12 3 6	7 10 4	14 18 5	14 8 6	49 – 9	3,769 – –
Rd. Bowery	9 6 8	9 7 4	26 10 3	22 18 9	68 3 –	9,408 – –
Mary Bowlby	19 13 8	85 – –	30 – 4	25 3 6	159 17 6	11,142 – –
Wm. Hay	6 19 4	3 9 2	8 2 10	8 2 6	26 13 10	1,258 – –
W. Herring	7 5 2	4 – 4	18 18 7	17 12 –	47 16 1	5,097 – –
A. J. Moore	14 4 6	4 – 2	7 10 –	8 – –	33 14 8	1,200 – –
J. J. Wright	13 11 4	13 5 –	16 2 –	15 18 –	58 16 4	4,340 – –
E. Shipperdson	19 13 4	26 – 6	65 – –	61 11 –	172 4 10	31,536 – –
John Fawcett	9 5 2	5 10 –	2 4 4	2 18 6	19 18 –	292 – –
Lord Londonderry (14 leases)	38 14 6	34 5 4	33 7 –	31 15 –	138 1 10	11,855 – –
Bishop of Chester	11 10 6	5 16 –	21 4 6	21 3 –	59 14 –	3,209 – –
J. Gregson (6 leases)	15 8 4	- - -	32 14 2	35 19 –	84 1 6	11,778 – –
Durham University	10 3 10	7 7 –	11 15 6	15 16 6	45 2 10	2,520 – –
Martha Atkinson	4 4 –	- - -	1 6 9	- - -	5 10 9	112 – –
H. Greenwell	6 4 8	2 9 –	3 7 6	4 15 –	16 16 2	475 – –
Messrs. Backhouse	10 6	4 2 6	8 19 –	9 – –	29 12 –	1,780 – –
Messrs. Burrell	14 7 4	4 19 –	3 13 6	5 5 6	28 5 4	558 – –
W. Cornwell	6 – 10	4 1 10	4 10 –	5 19 –	20 11 8	690 – –
W. Broadley	6 15 6	2 17 2	5 12 –	6 2 –	21 6 8	720 – –
J. Kidson	7 11 6	4 5 4	7 6 5	8 6 4	27 9 7	1,129 – –
E. Peele	3 3 –	- - -	2 4 –	- - -	5 7 –	240 – –
Josh. Graham	10 3 –	3 1 8	2 10 1	3 10 –	19 4 9	301 – –
J. Sheldon	7 – 4	2 18 8	4 1 –	5 6 –	19 6 –	560 – –
E. Metcalfe	9 12 –	3 – 8	3 5 –	4 10 –	20 7 8	450 – –
J. A. Woods, & Co.	7 10 6	6 4 2	14 – 7	19 – 6	46 15 9	3,612 – –
A. M. Wood, and another	6 18 6	3 19 8	20 14 –	18 13 3	50 5 5	5,910 – –
R. Pearson	5 13 2	2 18 8	2 13 3	3 6 7	14 11 8	333 – –
J. Richardson	4 4 –	- - -	1 1 2	- - -	5 5 2	112 – –
W. Hetherington	10 2 10	3 15 8	7 11 –	8 1 –	29 10 6	1,220 – –
E. Oliver	6 7 4	3 2 2	7 6 –	7 16 –	24 11 6	1,120 – –
J. Abbott	6 4 4	2 17 2	2 11 –	3 2 1	14 14 7	310 – –
£.	429 17 8	323 14 10	490 7 4	512 15 6	1,756 15 4	139,509 – –

Average Costs, 25 *s.* 2 *d.* per Cent.

CHURCH ESTATES COMMISSIONERS.

ENFRANCHISEMENTS, &c. under the Acts 14 & 15 Vict., c. 104, and 17 & 18 Vict., c. 116.

RETURN of STOCK standing to Credit of respective CHAPTERS on the 31st October 1855.

NAME of CHAPTER, &c.	Amount of Stock: £. 3 per Cent. Consolidated Annuities.	
	£. s. d.	£. s. d.
Bristol	- - -	5,915 14 -
Canterbury.—Annuity £. 260		
Equivalent Stock	8,666 13 4	
Additional	179 6 6	
Fabric Repair Fund	659 16 11	
		9,505 16 9
Chichester	- - -	1,841 17 9
Durham.—Annuity £. 800		
Equivalent Stock	26,666 13 4	
Wood Fund	1,067 9 -	
		27,734 2 4
Ely	- - -	254 14 10
Hereford	- - -	1,729 16 1
Norwich	18,784 1 11	
Wood Fund	1,786 12 11	
		20,570 14 10
St. Paul's	- - -	1,321 17 10
Wells	- - -	126 6 3
Westminster	- - -	1,807 8 5
Windsor	- - -	515 3 4
Worcester	- - -	2,380 10 4
	£.	73,704 2 9
CASH at the Bank of England in Name of Church Estates Commissioners on the 31st October 1855	£.	3,561 6 8
CONSOLS standing in the Names of the Church Estates Commissioners on the 31st October 1855	£.	298,679 - 9

CHURCH BUILDING COMMISSION.

A STATEMENT of the Duties devolving on the Commissioners appointed under the 58th Geo. 3, c. 45, and 20 subsequent Acts, passed for Building and Promoting the Building of ADDITIONAL CHURCHES in Populous Parishes.

As THE period to which the duration of the Church Building Commission was extended in May 1854 will expire on the 20th of July next, it seems incumbent on Her Majesty's Commissioners to consider in what manner the important duties intrusted to them during upwards of 37 years may henceforward be most satisfactorily discharged, and to communicate their views to the confidential advisers of the Crown.

1. The Commissioners are of opinion that those duties will for a long period require a large portion of the time and attention of any public body by which they may be undertaken. The funds originally placed at the disposal of the Commissioners are nearly exhausted, but the Legislature has granted to them a variety of powers, the due exercise of which is of permanent importance to the Church. The Commissioners are empowered to accept by legal conveyance Sites for Churches; they examine Plans and Drawings; they recommend Orders in Council for the Division of Parishes, and the formation of Ecclesiastical Districts; they assign Patronage; they establish Tables of Fees; they fix Scales of Pew-rents, and determine the number of Free Sittings; they appropriate Fees and Offerings, either immediately or on the next avoidance of the Benefice; they examine into the title and liabilities of lands designed to be conveyed as sites for Parsonages, Glebe, and Burial-grounds; they stop useless pathways across churchyards, and they transfer endowments from old to new churches. These various powers and duties give rise to an extensive correspondence with the Bishops of the several dioceses, and their secretaries; with the clergy; with the patrons of livings; with the donors of sites, and their legal advisers, as well as with building Committees, and occasion frequent reference on legal points to the solicitors of the Treasury. The Board has to consider how conflicting interests may be reconciled, legal questions solved, and parties holding opposite views prevailed upon to act harmoniously together. No less than 3,000 letters are annually issued from the office. Upwards of sixty cases from different parishes are on the average considered by the Board at every meeting; the meetings, except during the recess, are held every fortnight; and the minutes usually occupy about twenty-four closely written folio pages. The business of the Commission occupies the constant and undivided attention of a secretary and five clerks. It must be obvious from the foregoing statement, that whatever changes may be made as the consequence of the termination of the Commission, some body of persons must be empowered to carry on the business of all kinds connected with the building of new churches and the formation of new parishes.

2. Another point of great importance is, that the powers granted to the present Commissioners should be transferred entire to their successors. These powers have not been granted systematically, but occasionally, as the need of them was felt. The Bills drawn up for that purpose were frequently amended in their passage through both Houses of Parliament on the motion of Members not always thoroughly acquainted with the previous Acts: hence has arisen no inconsiderable difficulty in reconciling apparently incongruous provisions, in discovering the sections of the several Acts in which particular subjects are treated of, and in distinguishing provisions still in force from those which may have been intentionally or incidentally repealed. It has long been the wish of the Commissioners, that the Church Building Acts, now amounting to 21, should be consolidated into one statute. Accordingly, so far back as 1842, a comprehensive Bill was prepared for that purpose by George Jelf, Esq., then secretary to the Commission. It was not only drawn up with great ability by its framer, but was most carefully revised by the Right Hon. Stephen Lushington, Chancellor of the Diocese of London; but the numerous details necessary to meet all the requirements of the case could not be comprised in less than 211 clauses. Neither Dr. Lushington nor Mr. Jelf had a seat in Parliament, the Ministers of the Crown declined the task of carrying through Parliament so elaborate a measure, and thus the practice of legislating from time to time on Church Building, as emergencies arose, was of necessity continued. Some inconvenience, no doubt, has thus arisen, but no serious practical mischief, for so frequent have been the references made to this office by the promoters of Church Building throughout the country, and so untiring have been the zeal, promptitude, and ability with which inquiries have been answered and mistakes corrected by the Secretaries of the Commission, that the Commissioners are not aware of a single instance in which, during upwards of 37 years, legal proceedings have been taken in reference to the

Appendix.

Church Building Commission.

Statement of Duties devolving on Commissioners.

possession of a church, glebe, parsonage, or churchyard. No doubt, in four trifling cases, disputes have arisen regarding fees, and in one respecting patronage; a small amount certainly of litigation out of the many hundred cases (2,360) which the Commissioners have had to deal with.

The Commissioners are as desirous as ever that Government should undertake to carry through Parliament a carefully prepared Bill to consolidate the Church Building Acts; but they see the utmost danger in summary legislation on this complicated subject, and would earnestly request Her Majesty's advisers to consider well the confusion, the injustice, and the endless litigation which would almost inevitably result from an attempt to sweep away the Church Building Acts without making effectual provision for the various rights and interests directly or indirectly involved.

3. In connexion with this subject the Commissioners desire to remark, that the continuous and varied legislation above adverted to, did not arise from changes of public policy, but from the wise desire of the Legislature to facilitate the erection of churches and chapels, and the division of parishes, by enabling the wealthy and zealous to carry out their own views. The circumstances of different parishes with respect to population, wealth, and the rights of patrons and incumbents are various; and in the formation of ecclesiastical districts, very different arrangements with respect to rentcharges, tithes and glebe, church rates, patronage, the performance of church offices, fees, and offerings, are found to be necessary and advisable, as more agreeable to the feelings or less injurious to the rights of the parties interested. The Church Building Acts make provision for these several cases in all their varied combinations; and the Commissioners have always readily acted upon the conciliatory principle thus established. Whether the promoters of a church desired to have a separate and distinct parish attached to it; a district parish, a consolidated district, a chapelry district, or a particular district; and in whatever party or parties they proposed to vest the patronage, the Commissioners have always felt it their duty not to withhold their sanction when the provisions of the law were duly complied with, and the necessary consents obtained. To this conciliatory policy they ascribe it, that although for many years they have had very moderate funds at their disposal, they have nevertheless had the gratification of accepting 1,159 sites for churches and chapels, independently of 1,201 sites conveyed for parsonages and glebe, and for additional burial-grounds, and of forming 1,005 ecclesiastical districts or parochial divisions.

It has been thought that because an independent parish is the best form of division, it is the only form which ought to be allowed. But it ought to be considered that a complete division of parishes, for secular as well as ecclesiastical purposes, is not provided for by law; that for secular purposes the incumbent of the original church must continue to be head of the vestry of the whole parish, and that in many cases the parishioners regard with much jealousy any measure which would tend to lower his position, and to render the discharge of his secular duties difficult or impracticable. For this reason, among others, the number of separate and distinct parishes which the Commissioners have been requested to constitute is only 39, and the number of district parishes only 81, while the number of district and consolidated district chapelries is no less than 769. It must be evident that if no kind of division but into parishes or district parishes had been permitted, the wishes of the promoters of Church extension would have been generally thwarted, and the progress of Church building seriously impeded. For it is not merely the acquiescence of the parishioners in the formation of a new parish or district that is required, but their active co-operation; they must not merely tolerate the undertaking, but zealously and effectively promote it. It is therefore not only expedient, but absolutely necessary, that their wishes and even prejudices should be consulted.

The Commissioners will only add, that they have always felt the less scruple in allowing an imperfect parochial organization in the first instance, because they had it in their power afterwards to make it more complete, in case the feelings of the parishioners should be reconciled to the change.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1856.

Lunæ, 18° *die Februarii*, 1856.

Ordered, That a Select Committee be appointed to Inquire into the present Constitution of the Ecclesiastical Commission for England; into the Operation of the Act 13 & 14 Vict., c. 94, intituled, "An Act to Amend the Acts relating to that Commission," and of the Act 14 & 15 Vict., c. 104, intituled, "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England;" and into the expediency of further continuing the last Act, and of consolidating the Church Building Commission with the Ecclesiastical Commission.

Martis, 19° *die Februarii*, 1856.

Committee nominated, of—

Sir George Grey.
Lord John Russell.
Sir John Pakington.
Marquis of Blandford.
Sir James Graham.
Mr. Wilkinson.
Mr. Walpole.
Mr. Ingham.
Lord Robert Cecil.
Mr. Evelyn Denison.
Sir William Heathcote.
Mr. John Abel Smith.
Lord Robert Grosvenor.
Mr. George Butt.
Mr. Mowbray.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Veneris, 25° *die Aprilis*, 1856.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, from time to time, to The House.

Veneris, 13° *die Junii*, 1856.

Ordered, That the Committee have power to Report their Opinion, from time to time, to The House.

SECOND REPORT.

THE SELECT COMMITTEE appointed to Inquire into the present Constitution of the Ecclesiastical Commission for *England*; into the operation of the Act 13 & 14 Vict., c. 94, intituled, "An Act to Amend the Acts relating to that Commission," and of the Act 14 & 15 Vict., c. 104, intituled, "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," and into the expediency of further continuing the last Act, and of consolidating the Church Building Commission with the Ecclesiastical Commission; and to whom the Episcopal and Capitular Estates Bill was referred; and who were empowered to Report, from time to time, to The House:—— Have made progress in the Matters to them referred, and have come to the following Resolution, which they have agreed to Report to The House:—

THAT it is the opinion of this Committee that the Church Building Commission should, after a date to be named in the Act of Parliament for that purpose, be consolidated with the Ecclesiastical Commission, and should be continued up to that date.

13 *June* 1856.

SECOND

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1856.

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Under 1 *oz.*

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THIRD

REPORT

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1856.

Your Committee will now proceed to consider the subjects referred to them under separate heads.

The subjects submitted to the consideration of Your Committee may be conveniently classed under four divisions:—

First.—The present Constitution of the Ecclesiastical Commission for England.

Second.—The operation of the Act 13 & 14 Vict. cap. 94, intituled An Act to amend the Act relating to that Commission; and of the Act 14 & 15 Vict. cap. 104, intituled An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England, and the expediency of further continuing the last Act.

Third.—The Consolidation of the Church Building Commission with the Ecclesiastical Commission.

Fourth.—The Bill for the better management of Episcopal and Capitular Estates.

The present Constitution of the Ecclesiastical Commission for England.

The Report of the Committee of your Honourable House appointed in 1848 to inquire into the management and composition of the Ecclesiastical Commission sets forth at considerable length the origin and growth of this Commission, and the present investigation has been materially facilitated by the information at that time obtained.

The Ecclesiastical Commission consists of fifty-two members, of whom six are Common Law, Equity, or Ecclesiastical Judges. The remaining forty-six members consist of two Archbishops and twenty-five Bishops, of five members of the Government, of three Deans, and of eleven permanent lay Commissioners.

The Committee of 1848, observing the uncertainty of attendance among so large a body, and the difficulty thus created of preserving the thread of business, reported in favour of a division of duties, whereby the business which may be called more purely ecclesiastical should, as far as possible, be separated from the management of property; and suggested for this latter purpose the appointment of three paid Commissioners, to be paid from the funds of the Commission.

On the basis of these suggestions the Act 13 & 14 Vict. cap. 94, was passed in 1850, providing that under the denomination of Church Estates Commissioners two lay members of the Commission should be appointed by the Crown, and one lay member be appointed by the Archbishop of Canterbury. These Commissioners, with the addition of two other members of the Commission, appointed annually at a general meeting, and one of whom must be a layman, were empowered, under the name of the Estates Committee, to manage all the property vested in the Ecclesiastical Commission. The General Board was empowered to prescribe to the Estates Committee rules and regulations as to the management of the estates; and the presence of two Church Estates Commissioners at each general meeting of the Commission, and at each meeting of the Estates Committee, was made indispensable.

Under the provisions of this Act the Earl of Chichester was named First Church Estates Commissioner, and Mr. John Shaw Lefevre Second Church Estates Commissioner, on the part of the Crown; the Right Honourable Henry Goulburn was appointed Church Estates Commissioner on the part of the Archbishop of Canterbury; the first Commissioner receiving 1,200 *l.* a year, the Archbishop's Commissioner 1,000 *l.* a year, and Mr. Lefevre being unpaid; it appears from the evidence that the appointment of these three Commissioners has provided that continuous superintendence of the transactions relating to property contemplated by the Committee of 1848.

The General Board have not thought it necessary to lay down rules for the guidance of the Estates Committee in dealing with the property vested in the Commission, but have frequently exercised the power afforded to them under the provisions of this Act, of referring for consideration and report by the Estates Committee other business of importance; and also in some instances they have delegated to the Committee the power of finally deciding on and concluding transactions.

Under other provisions of this Act, the Episcopal Fund was fused with the common fund of the Ecclesiastical Commission, fixed incomes were secured to all Bishops appointed subsequently to 1847, and an option was given to Bishops previously

previously appointed to place themselves upon the same footing. As these enactments came into operation, the common fund became interested in the proceeds of episcopal property; and as, under the provisions of the Act of the subsequent year, 14 & 15 Vict. c. 104, continued, and extended by the Act 17 & 18 Vict. c. 116, the improved value arising under enfranchisements effected by episcopal and capitular corporations falls into the common fund, that fund has become interested, directly or indirectly, in the estates of all the ecclesiastical corporations, and the duties of the Estates Committee have materially increased, and will gradually become more onerous. Under the Act 14 & 15 Vict. c. 104, the three Church Estates Commissioners were constituted a separate Board for the purpose of sanctioning the terms of enfranchisements of leasehold properties agreed upon by ecclesiastical corporations; and under the powers of this Act, continued and amended as before stated, a large number of transactions has been effected and sanctioned by the Church Estates Commissioners. These duties are distinct from those discharged by them as members of the Estates Committee, although similar in character, and they have been discharged with the aid of the staff of the Ecclesiastical Commission, at very little additional expense, and without any special remuneration; and, should the recommendations of this Committee be adopted, there is reason to anticipate an increase in the number and importance of the transactions submitted to the Board.

Your Committee, having regard to the increase of the duties of the Estate Committee of the Ecclesiastical Commission, and to the number and extent of the transactions approved by the Church Estates Commissioners, advise that the second Church Estates Commissioner appointed by the Crown should, in accordance with the recommendations of the Committee of 1848, receive a salary out of the funds of the Commission not exceeding 1,000*l.* a year.

The Operation of the Act, &c., and the Expediency of further continuing the last Act.

In discharging the duties specially intrusted to the Church Estates Commissioners by the Act first mentioned, the Estates Committee endeavoured, in their dealings with the estates vested in the Ecclesiastical Commission, to effect both the restoration of the balance between the income and the expenditure of the common fund and the voluntary enfranchisement of church leaseholds upon terms advantageous to the Church and satisfactory to the lessees. For these objects they have sold reversionary interests and re-invested the proceeds in the purchase of leasehold interests, in tithe rentcharges, and in lands either vested in the Commission or belonging to ecclesiastical corporations. The restoration of the balance between income and expenditure was indispensable to the security of the common fund, and voluntary enfranchisement had been recommended by the Committee of your Honourable House which investigated in 1837, 1838, and 1839, the mode of leasing the property of the ecclesiastical corporations, as well as by subsequent Committees of both Houses of Parliament.

The Committee of the House of Commons, in 1839, made recommendations which these transactions have, to a considerable extent, carried into effect.

Their recommendation of the abolition of the injurious system of fines upon leases for lives, and also upon leases for years, has been carried into effect by the total cessation of the system upon nearly the whole of the separate estates of the deaneries and prebends, upon the corporate estates of the Chapters of Southwell, Wolverhampton, York, Carlisle, Chester, Peterborough, and Gloucester, and of the Sees of Bath and Wells, Ripon and Carlisle; and so far as regards leases for lives upon the estates of the Sees of Canterbury, York, St. Asaph, Chester, Ely, Lincoln, Norwich, Peterborough, and Salisbury.

Their recommendations for the substitution of a fee simple for a leasehold tenure have been carried into effect within the last five years by enfranchisements relating to property of the value in fee simple of seven millions of money.

Their recommendation relating to the due consideration of the customary confidence of renewal has been dealt with in the manner recommended by the Committee of the House of Lords on Church Leaseholds in 1851, and more than

65. than 1,300 lessees have availed themselves of the opportunity of enfranchisement, on the terms therein recommended.

These enfranchisements relate to estates dispersed throughout England, and to a large extent situated in the Northern Counties. There appears to be no reason to doubt that the terms of enfranchisement have, since the passing of the Act of 1854, proved satisfactory to the lessees as a body. It is, however, in evidence that the recommendation of the Committee of the House of Lords allowing one more septennial renewal to each lessee for twenty-one years operates unequally, inasmuch as the lessee of a lease renewed immediately before the passing of the Act in August 1851 would enjoy practically a leasehold term of twenty-eight years, while the lessee of a lease renewed immediately after the passing of the Act would enjoy a leasehold term of twenty-one years; and it has been suggested that all leasehold interests should be valued as if allowed an extension for the longer term.

815–16. 5056–58.

Your Committee are of opinion that this recommendation may advantageously be adopted so as to place all such lessees upon an equal footing. They have therefore recommended that, in estimating for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses, under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of August 1880, at the accustomed rate of fine, shall, as a rule, be allowed.

The Estates Committee, having based their proceedings upon the recommendations of the Committee of the House of Lords, the number and extent of the transactions effected during the first year justified their proceeding further upon that basis, and also encouraged them to effect commutations with certain Chapters, with the view of providing, as recommended by the same Committee, permanent capitular estates in possession, in substitution of the fluctuating income arising from fines on the renewal of leases.

57.

The details of the first capitular commutation, and of the enfranchisements effected under it, and of the estate proposed within three years as the permanent estate of the chapter, are set forth in the Appendix to this Report. The following extract from the evidence of the Earl of Chichester will illustrate the principles upon which such commutations have been effected.

Appendix to First Report, p. 269, &c.

"I have before me a Report on the Chapter of York, wherein are stated all the facts of that case. It is the Report of Mr. Edmund James Smith, the agent, to the Commissioners, upon the commutation of the estates of the Chapter of York. He says, 'As it may prove convenient to note the progress of dealing with the estates transferred to the Commissioners under this commutation, I beg to submit a statement of the results of the transactions of the past year. The values of the whole of the estates have been ascertained, and the aggregate value is 427,000*l.* Deducting 13,300*l.* as the value of the estates in possession at the time of commutation, there remains 413,700*l.* leased to various parties, and of this about 42 per cent. was leased for years, and 58 per cent. was leased for lives. The total value of the estates leased being 413,700*l.*, there have already been enfranchised, either by lapse or by sale and purchase, estates of the value of 252,597*l.*; and the interest of the Commissioners in this portion of the estates leased proves to be 123,855*l.* This sum of 123,855*l.*, added to 13,300*l.*, the value of the estates in possession, gives a total of 137,155*l.* already obtained. I find that the leased estates remaining to be dealt with, valued at 161,103*l.*, will certainly not produce less than a present sum of 70,000*l.*, and the enfranchisement of a large part of such remaining estates is in progress. The total value of the Commissioners' interest is therefore 137,155*l.* already obtained, and at least 70,000*l.* in respect of the portion not yet dealt with, making a total of 207,155*l.*; and as the annuity to be provided is 4,410*l.*, it is clear that the surplus of 50,000*l.*, which my Report of 17th July 1852, on which the commutation was based, stated would be obtained, will be fully realised. Contemporaneously, purchases of leasehold interests have been effected in Yorkshire, so that the Chapter may be put into possession of a convenient permanent estate in the course of the current year.'"

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Such agreements tend to facilitate enfranchisement, and to provide funds for the endowment of poor livings, as well as afford a ready means of providing estates in possession for the ecclesiastical corporations.

By further provisions in the Act to facilitate the management and improvement of capitular estates, no episcopal or capitular corporation was to derive benefit or to suffer loss by the operation of the Act; the Church Estates Commissioners

Commissioners were required to provide that each dignitary should receive an income equal to the amount which would have arisen under the previous system of renewal by way of fine; and all improved value obtained by enfranchisement was required to be appropriated to the common fund of the Ecclesiastical Commission.

Under these provisions, an amount of 300,000 *l.* has been already transferred to the common fund, and further large amounts will become payable on the completion of other transactions, the terms of which have been approved by the Church Estate Commissioners. 110.

By the assistance thus afforded and by the proceeds of the reinvestments of monies received for sales of reversionary interests, and the gradual increase of the receipts from the suspended canonries, the balance between the income and the expenditure of the common fund will shortly be restored, so that the grants in aid of the augmentation and endowment of benefices may be gradually extended.

Since the month of August 1844 the Ecclesiastical Commissioners have been unable to make any new grants, except in respect of local claims or of special circumstances. The general grants to parochial incumbents amount at the present time to 71,327*l.* yearly, the local claim grants to 12,192 *l.* yearly, and the grants in respect of benefactions amount to 9,137 *l.* yearly, making in the whole a perpetual annuity of 92,656 *l.*, equivalent to a capital sum of 2,779,680 *l.*, invested in these augmentations and endowments. By these grants 863 benefices have been augmented and 248 districts endowed, so that 1,111 parochial incumbencies have been either wholly or in part endowed through the instrumentality of the Ecclesiastical Commission. *See* Second Report of Ecclesiastical Commissioners, p. 4.

The estates of deaneries and prebends vested in the Ecclesiastical Commission being almost wholly held by lessees for lives or years, the local claim on tithes belonging to these estates does not for the most part arise until after a lengthened period. The revenues of sinecure rectories being usually in possession, the parochial benefices of the parishes in which the endowments are situate generally derive immediate advantage. The case of Henllan in the diocese of St. Asaph is adduced in the evidence accompanying this Report as illustrative of the mode in which local claims are dealt with when the opportunity is afforded for their immediate consideration. When the properties vested in the Commission, and subject to leases for lives or years, are dealt with by purchase or sale the duration of the existing lease is noted in the Annual Report to Parliament, with a view of securing the consideration of the local claim at the proper period. 352. 435, &c.

It has been suggested that local claims, which are at present confined by the existing Acts of Parliament to tithes, should be extended to property of every description; and it has also been proposed that the Commissioners should be enabled to give a preference to the claims of populous places within dioceses from which large funds have been derived.

Subject to the slight modifiacations recommended in their Resolutions, Your Committee see no sufficient reason for disturbing the present law under which the property vested in the Ecclesiastical Commission is made applicable to the wants of the whole kingdom, a preference being given to those places in which assistance for the cure of souls is most required. The admission of the principle of appropriating the revenues of the Commission generally to the wants of the places or dioceses in which the property may happen to lie, would materially diminish the common fund, and tend to defeat the object for which it was constituted by Parliament.

With respect to the re-enactment of the last Act, and the continuance of the Church Estates Commission as a separate Commission for the purpose of sanctioning the enfranchisements effected by Ecclesiastical Corporations, Your Committee are of opinion that, for the reasons which occasioned its original nomination, the continuance of this Commission is desirable. Its separate existence occasions no additional expense.

The Consolidation of the Church Building Commission with the Ecclesiastical Commission.

The duration of the Church Building Commission having been limited by Parliament to two years from the Session of 1854, with a view to the consolidation of its duties with those of other existing Boards, the question of the best mode of discharging those duties remains to be disposed of.

From the statement submitted by the Church Building Commissioners to Her Majesty's Government, and set out in the Appendix to this Report, it appears that the funds intrusted to this Commission are nearly exhausted, and that the remaining duties relate entirely to matters of comparative detail, giving rise to extensive correspondence, and requiring continuous attention, but not involving questions of principle. Your Committee are of opinion that the consolidation of these Commissions, after a certain date, is desirable.

The Bill for the better Management of Episcopal and Capitular Estates.

The provisions of this Bill would transfer, on the 1st January next, all the Episcopal and Capitular Estates to the Ecclesiastical Commission; the Episcopal Estates to be managed by an Episcopal Committee, comprising the First Church Estates Commissioner and two other paid members, and the rest of the estates to be managed by the present Estates Committee of the Ecclesiastical Commission.

Vide Appendix. Your Committee refer to a detailed statement, drawn up by a Member of the Committee, of the grounds upon which the Bill in question was founded. But as Your Committee are of opinion that considerable inconvenience might be occasioned by a sudden transfer of the whole of the estates of the Ecclesiastical Corporations they forbear to enter into the details of the various arrangements necessary for effecting such transfer.

Your Committee advise the withdrawal of the Bill referred to them for their consideration.

RESOLUTIONS.

Your Committee have agreed to the following Resolutions:

1. That the present constitution of the Ecclesiastical Commission be continued, with the modification that the second Church Estates Commissioner appointed by the Crown should be paid; and that the payment of the salary of such Commissioner should be defrayed from the funds of the Commission.

2. That the Act 14 & 15 Vict. c. 104, entitled "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," as amended and continued by the Act 17 & 18 Vict. c. 116, be continued for one year, with a view to the further continuance of the said Act, with certain amendments, till the end of the year 1859.

3. That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of August 1880, at the accustomed rate of fine, shall, as a rule, be allowed. No lease for such aforesaid term to be extended beyond the said date. That in all cases where an Ecclesiastical Corporation, the Ecclesiastical Commissioners, or the Church Estate Commissioners acting for either body, shall have entered into treaty with lessees of Church property for sale or enfranchisement of their leaseholds, it shall be lawful for either party to require the other party to join in referring to arbitration the finding of the annual value of such property, and of the value of the fee simple; and when such values have been found, it shall be binding on both parties, if either party require, to proceed to such sale or enfranchisement, on terms to be computed according to such finding: Provided always, that where such lease shall relate to lands (except building ground) the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the fee simple has been determined; and where such lease shall relate to houses or building ground, it shall be lawful for the arbitrators simply to find the gross sum to be paid for such sale or enfranchisement in such manner as they shall deem just.

4. In all cases where a lessee of Church property, whether for life or years, and whether his interest under his lease shall extend beyond 21 years or not, shall have entered into a treaty with an Ecclesiastical Corporation, or the Commissioners for the sale or the enfranchisement of his leasehold, it shall be lawful for the parties to such treaty to have recourse to arbitration in like manner, as to houses and lands respectively, as is provided in the case of lessees for the term of 21 years, and that in all cases regard should be had to the long-continued practice of renewal.

5. That it is desirable that landed estates sufficient to afford the clear statutory income of each Bishop should be secured to each See; that the management

management of such estate should be in the Bishop, but that the Ecclesiastical Commissioners should provide for a periodical inspection of such landed estates, in order to the maintenance thereof, by and at the expense of the Bishop, in proper repair and condition; that any difference of opinion between any Bishop and the Ecclesiastical Commissioners, as to repairs and the condition of such estates, or as to the outlay from time to time required thereon, should be decided by arbitration.

6. That power should be given to the Estates Committee to prepare forms of accounts according to which the several Chapters shall enter and regulate all their receipts, expenditure, and periodical divisions; also, to require from the said Chapters copies of such accounts, and to object to any item in the expenditure which may appear to them not properly payable out of the corporate funds, and to require information in detail as to any items so objected to; provided that in the event of the Chapter not agreeing to withdraw such item, it shall be competent for the Chapter and the Estates Committee to submit the question to arbitration, and the award of the arbitrators or umpire shall be final.

7. That it is expedient to provide that where any Ecclesiastical Corporation is in the receipt of an income fixed by Act of Parliament, and where the estates of such corporation yield a revenue greater than the said income, and where a portion of such revenue arises out of tithes, or from any lands or other hereditaments assigned in lieu of tithes, in such case it shall be lawful for the Commissioners to make, out of the said tithes, lands, or other hereditaments assigned in lieu of tithes, such provision as may seem to them needful for the spiritual wants of the place in which such tithes now arise, or have heretofore arisen, in the same manner, and to the same extent in and to which such provision might be made, if the said tithes, lands, or hereditaments were actually vested in the Commissioners.

8. That it is desirable to amend the Act 3 & 4 Vict. c. 113, s. 67, in such manner as to enable the Commissioners, if they shall think fit, in making additional provision in populous places for the cure of souls, to give a preference to those places in which such additional provision is met by local contributions: Provided always, that such preference shall not be admitted to the prejudice of those places whose interests are saved by the proviso in the said clause relating to local claims.

9. That the provisions of the 3 & 4 Vict., c. 113, s. 67, respecting local claims upon the Commissioners in respect of tithes which may become vested in them, shall be applicable to any improved value resulting from glebe lands to which the Common Fund may become entitled.

10. That the Church Building Commission should, after a date to be named in the Act of Parliament for that purpose, be consolidated with the Ecclesiastical Commission, and should be continued up to that date.

[*This Resolution has been reported to The House.*]

11. That with a view of exercising a closer inspection over the detail management of the property than they have hitherto done, it is desirable that the members of the Church Estates Commission should visit in person, from time to time, any property which is placed under their management.

12. That the present system of management by the agents of the Church Estates Commission should be reconsidered, with a view to its greater efficiency, and a possible diminution of expense.

Your Committee having recommended that all leases granted originally for 21 years should terminate absolutely in 1880, cannot but remark, that it is highly desirable that such lessees should be fully enabled to deal with their leasehold interests in the meantime by sale or enfranchisement.

Your Committee, in proposing that the Act 14 & 15 of the Queen, cap. 104, should only be renewed till 1859, trust that the experience of the intervening years will prove the arrangements for voluntary dealings between the Ecclesiastical Corporations and their lessees to have been so satisfactory that a compulsory measure may not be necessary.

Your Committee call the attention of The House to a statement of the lessees of the Chapter of Lincoln on this subject.

Sub-Lessees.

Upon the enfranchisement of Church property in houses, much difficulty will arise in dealing with the reasonable claims of the sub-lessees. They have at present, *e. g.*, in the diocese of Winchester a right to claim from the lessees a renewal of their leases, on the terms mentioned and defined in their respective leases, as often as the lessees renew their leases with the Bishop. But, upon enfranchisement it is doubtful how far this right or any division of the property can be secured to them; and as the chief improvements of the property have been made by the sub-lessees, under a tenure which would have been ordinarily permanent but for the act of the Legislature, they are clearly entitled to an equitable consideration of their interests and claims when an enfranchisement shall be effected by which their immediate lessors will be placed in a position with respect to them other than that which was contemplated in their original contracts. It was intended by the sections 3 & 4 in the Act 14 & 15 Vict. c. 104, to provide for these interests and claims. But the sub-lessees complain, and with some justice, that the object sought has not been effected by those clauses. The attention of the Estates Committee should, in the opinion of your Committee, be directed to this subject, with a view to such an equitable consideration of the interests of lessees and sub-lessees, as may lead to a permanent settlement by Parliament which shall be satisfactory to all the parties concerned.

Several important questions will hereafter require consideration:—

1. The particular mode of assuring the estates and income of the Bishops.
2. A similar question with respect to the Deans and Chapters.
3. The mode of augmenting small livings, and providing for the spiritual wants of populous places.
4. The provision for local claims.

With reference to the 3d and 4th questions, your Committee conceive that these questions must be considered in the course of the autumn, as a surplus revenue is likely to arise at the end of the year, and they therefore recommend that the resolutions respecting augmentation grants, which were made on the 27th of February 1844, should be revised, and that the new resolutions, subject to the alteration suggested above, should be laid before Parliament in the next Report of the Ecclesiastical Commission.

The Committee will conclude with pointing attention to the fact, that for a long period large masses of property must remain under the control and management of the Church Estates Committee. It will not be possible to vest estates in the incumbents of the existing or new parishes without many new arrangements. It becomes so much the more important that the most vigilant attention should be given by the Commissioners to duties which involve to so great a degree the interests of a large body of tenants, the permanent position of the Church, and the spiritual instruction of that large body of the people who look to the efficient ministration of her services in districts where they have hitherto been inadequate.

18 *July* 1856.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 25° *die Februari*, 1856.

MEMBERS PRESENT:

Sir W. Heathcote.	Lord John Russell.
Mr. Walpole.	Sir J. Pakington.
Mr. Mowbray.	Marquis of Blandford.
Mr. Ingham.	Mr. Wilkinson.
Mr. E. Denison.	

Lord JOHN RUSSELL, called to the Chair.

Committee to sit on Tuesdays and Fridays.

A letter from the Archbishop of Canterbury, enclosing a statement of the duties of the Church Building Commission, read.

Statement to be printed.

The Earl of *Chichester* to be examined at the next meeting.

Motion to be made in the House that a message be sent to the Lords, requesting his attendance.

[Adjourned till Friday, at One o'clock.

Veneris, 29° *die Februarii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Mr. Ingham.
Marquis of Blandford.	Mr. E. Denison.
Sir W. Heathcote.	Lord Robert Cecil.
Mr. Walpole.	Mr. Wilkinson.
Mr. Butt.	Sir George Grey.
Sir J. Pakington.	Lord Robert Grosvenor.

The Earl of *Chichester* (attending by permission of the House of Lords) examined.

[Adjourned till Tuesday, at One o'clock.

Martis, 4° *die Martii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Ingham.	Sir George Grey.
Sir W. Heathcote.	Sir James Graham.
Mr. Walpole.	Sir John Pakington.
Marquis of Blandford.	Mr. Wilkinson.
Mr. Mowbray.	Lord Robert Grosvenor.
Lord Robert Cecil.	

The Earl of *Chichester* further examined.

Mr. *James Chalk* (Secretary to the Ecclesiastical Commission) examined.

[Adjourned to Friday, at One o'clock.

Veneris, 7° *die Martii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Mr. J. E. Denison.
Mr. Mowbray.	Sir George Grey.
Mr. Butt.	Mr. Walpole.
Sir J. Graham.	Sir J. Pakington.
Sir W. Heathcote.	Marquis of Blandford.
Mr. Ingham.	Mr. J. Abel Smith.
Mr. Wilkinson.	

Mr. *James Chalk* further examined.

[Adjourned till Tuesday, at One o'clock.

Martis, 11° *die Martii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Sir J. Graham.
Mr. Mowbray.	Sir W. Heathcote.
Lord Blandford.	Mr. Ingham.
Mr. Denison.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. Wilkinson.
Sir George Grey.	Mr. J. Abel Smith.
Sir J. Pakington.	

Mr. *Edmund James Smith* examined.

[Adjourned till Friday, at One o'clock.

Veneris, 14° *die Martii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Mr. J. A. Smith.
Mr. Mowbray.	Mr. Wilkinson.
Mr. Walpole.	Marquis of Blandford.
Sir George Grey.	Lord Robert Grosvenor.
Sir J. Graham.	Mr. Evelyn Denison.
Sir W. Heathcote.	Sir J. Pakington.
Mr. Ingham.	

Mr. *Edmund James Smith* and Mr. *James Gell Chalk* further examined.

[Adjourned.

Veneris, 4° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Marquis of Blandford.	Mr. Ingham.
Lord Robert Cecil.	Mr. Wilkinson.
Mr. Mowbray.	Mr. J. E. Denison.
Sir George Grey.	Mr. J. A. Smith.
Mr. Walpole.	Sir James Graham.
Sir John Pakington.	Lord Robert Grosvenor.
Sir W. Heathcote.	

Mr. *John Pickering* and Mr. *Joseph Curtis* examined.

[Adjourned till Tuesday, at One o'clock.

Martis, 8° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Marquis of Blandford.
Mr. Mowbray.	Mr. J. A. Smith.
Mr. Evelyn Denison.	Sir James Graham.
Mr. Walpole.	Lord Robert Grosvenor.
Sir William Heathcote.	Mr. Wilkinson.
Mr. Ingham.	

Mr. *James Gell Chalk* further examined.

Mr. *John Parkinson*, Mr. *John Knight*, Mr. *Thomas Beasley*, Mr. *John Pickering*, and Mr. *Matthew Harvey*, examined.

[Adjourned till Friday, at One o'clock.

Veneris, 11° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Sir William Heathcote.
Mr. Mowbray.	Mr. Ingham.
Marquis of Blandford.	Mr. J. Abel Smith.
Mr. Walpole.	Mr. Wilkinson.
Sir George Grey.	Lord Robert Grosvenor.
Sir John Pakington.	Mr. Evelyn Denison.
Sir James Graham.	

Mr. *James Gell Chalk* further examined.

Mr. *J. G. Shaw Lefevre* examined.

[Adjourned till Tuesday next, at One o'clock.

Martis, 15° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Sir James Graham.	Lord Robert Cecil.
Mr. Wilkinson.	Mr. Evelyn Denison.
Mr. Mowbray.	Mr. J. Abel Smith.
Lord Blandford.	Sir John Pakington.

Mr. *John George Shaw Lefevre*, and Mr. *James Gell Chalk*, further examined.

Mr. *Benjamin Aston* examined.

[Adjourned till Friday, at One o'clock.

Veneris, 18 *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Butt.	Sir James Graham.
Lord Robert Cecil.	Sir J. Pakington.
Mr. Mowbray.	Mr. Evelyn Denison.
Mr. Walpole.	Marquis of Blandford.
Sir W. Heathcote.	Lord Robert Grosvenor.
Mr. Ingham.	Mr. J. Abel Smith.
Mr. Wilkinson.	

Mr. *Edmund James Smith* further examined.

The Rev. the Lord *George Thynne* examined.

[Adjourned till Tuesday next, at One o'clock.

Martis, 22° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Walpole.	Sir James Graham.
Mr. Mowbray.	Lord Robert Cecil.
Mr. Ingham.	Mr. J. A. Smith.

Room cleared.

Motion made (Mr. *Ingham*), "That the Chairman do move the House for leave to the Committee to report the evidence taken before them from time to time to The House:"—Question put, and agreed to.

Mr. *William Charles Chaytor* (Chapter Clerk of Durham) examined.

Mr. *James Gell Chalk* further examined.

[Adjourned till Friday, at One o'clock.

Veneris, 25° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord J. RUSSELL, in the Chair.

Mr. Walpole.	Mr. J. Abel Smith.
Mr. Butt.	Sir James Graham.
Mr. Mowbray.	Mr. Ingham.
Sir W. Heathcote.	Marquis of Blandford.
Mr. E. Denison.	Lord Robert Grosvenor.
Mr. Wilkinson.	Lord Robert Cecil.

Mr. *J. G. Shaw Lefevre* and Mr. *William Paynter* examined.

Evidence to be reported to Mr. Shaw Lefevre's evidence of this day, inclusive.

[Adjourned till Tuesday next, at One o'clock.

Martis, 29° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Butt.	Marquis of Blandford.
Mr. Walpole.	Lord Robert Grosvenor.
Sir J. Pakington.	Sir James Graham.
Mr. Ingham.	Mr. Evelyn Denison.
Mr. Wilkinson.	

Mr. *Edmund James Smith* and Mr. *Simon Dunning* examined.

[Adjourned till Friday next, at One o'clock.

Veneris, 2° *die Maii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Walpole.	Marquis of Blandford.
Mr. Mowbray.	Sir John Pakington.
Mr. Evelyn Denison.	Mr. J. A. Smith.
Sir G. Grey.	Mr. Wilkinson.
Sir W. Heathcote.	Sir James Graham.
Lord Robert Cecil.	

Mr. *William Paynter* further examined.

Mr. *J. A. Whitcombe* examined.

[Adjourned till Tuesday next, at One o'clock.

Martis, 6° *die Maii*, 1856.

MEMBERS PRESENT:

Lord J. RUSSELL, in the Chair.

Sir J. Graham.	Mr. Walpole.
Mr. Wilkinson.	Mr. Evelyn Denison.
Lord Robert Cecil.	Lord Robert Grosvenor.
Mr. Mowbray.	Sir W. Heathcote.
Marquis of Blandford.	Mr. J. A. Smith.

Mr. *Richard Hall*, Mr. *Charles Pidcock*, Mr. *Henry Workman*, and the Rev. *John Griffin*, examined.

[Adjourned.

Martis, 20° *die Maii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Wilkinson.	Mr. J. E. Denison.
Mr. Ingham.	Sir John Pakington.
Mr. Mowbray.	Sir James Graham.
Mr. J. A. Smith.	Mr. Walpole.
Marquis of Blandford.	Sir George Grey.
Sir W. Heathcote.	

Mr. *Robinson Latter* and Mr. *Thomas Beachcroft* examined.

[Adjourned till Friday next, at One o'clock.

Veneris, 23° *die Maii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Walpole.	Mr. Denison.
Lord Robert Cecil.	Mr. J. A. Smith.
Mr. Mowbray.	Mr. Wilkinson.
Lord Blandford.	Mr. Ingham.
Mr. Butt.	Lord Robert Grosvenor.
Sir James Graham.	Sir W. Heathcote.

Mr. *William Broderick*, Mr. *Robert Baxter*, and Mr. *Lettrell Lewin Clark*, examined.

[Adjourned till Friday next, at One o'clock.

Veneris, 30° *die Maii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Sir James Graham.
Mr. Mowbray.	Marquis of Blandford.
Mr. Butt.	Sir George Grey.
Mr. Walpole.	Lord Robert Grosvenor.
Sir W. Heathcote.	Sir John Pakington.
Mr. Ingham.	M. J. Abel Smith.

The Right Hon. *S. Walpole*, a Member of the Committee, examined.

[Adjourned till Tuesday next, at One o'clock.

Martis, 3° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Lord Blandford.
Mr. J. A. Smith.	Mr. Ingham.
Sir W. Heathcote.	Lord Robert Grosvenor.
Lord Robert Cecil.	

Mr. *Clement Moody* examined.

Mr. *James Gell Chalk* further examined.

[Adjourned.

Martis, 10° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Wilkinson.	Mr. Mowbray.
Mr. Ingham.	Lord Robert Grosvenor.
Sir W. Heathcote.	Lord Robert Cecil.
Sir James Graham.	Sir George Grey.
Mr. Walpole.	Mr. J. A. Smith.
Mr. Butt.	Sir John Pakington.
Lord Blandford.	

Mr. *Charles Pott* examined.

The Committee deliberated on their report.

Resolutions to be drawn up by the Chairman to be submitted to the Committee on Friday next.

[Adjourned till Friday next.

Veneris, 13° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Lord Robert Cecil.	Sir George Grey.
Mr. Mowbray.	Lord Robert Grosvenor.
Lord Blandford.	Sir W. Heathcote.
Mr. Butt.	Mr. Ingham.
Mr. Walpole.	Mr. Wilkinson.
Sir James Graham.	Sir John Pakington.

Resolutions proposed by the *Chairman* read 1°, as follows:—

"1. That the present constitution of the Ecclesiastical Commission be continued, with the modification that the second Commissioner appointed by the Crown should be paid, and that the payment of the salary of such Commissioner should be defrayed from the funds of the Commission.

"2. That the Act of the 14 & 15 Vict. c. 104, intituled, "An Act," &c., should be continued.

"3. That the Church Building Commission should, after a date to be named in the Act of Parliament for that purpose, be consolidated with the Ecclesiastical Commission."

First Resolution read 2°, and agreed to.

Second Resolution postponed.

Third Resolution read 2°, and amended, by adding at the end thereof the words, "and should be continued up to that date." Resolution, as amended, agreed to.

Resolved,

Resolved, "That the Church Building Commission should, after a date to be named in the Act of Parliament for that purpose, be consolidated with the Ecclesiastical Commission, and should be continued up to that date."

Foregoing Resolution to be reported to The House.

The following Resolution was proposed by Lord *Robert Cecil:*—"That it is expedient to provide, that where any Ecclesiastical Corporation is in the receipt of an income fixed by Act of Parliament, and where the estates of such Corporation yield a revenue greater than the said income, and where a portion of such revenue arises out of tithes, or from any lands or other hereditaments assigned in lieu of tithes, in such case it shall be lawful for the Commissioners to make out of the said tithes, lands, or other hereditaments assigned in lieu of tithes, such provision as may seem to them needful for the spiritual wants of the place in which such tithes now arise or have heretofore arisen, in the same manner and to the same extent in and to which such provision might be made if the said tithes, lands, or hereditaments were actually vested in the Commissioners."

Resolution read 2°, and agreed to.

[Adjourned till Tuesday next, at One o'clock.

Martis, 17° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Mr. Ingham.
Lord Blandford.	Mr. Wilkinson.
Mr. Walpole.	Sir George Grey.
Mr. E. Denison.	Sir James Graham.
Lord Robert Grosvenor.	

Mr. *Edward James Smith* further examined.

[Adjourned till Friday, at One o'clock.

Veneris, 20° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Sir William Heathcote.	Mr. Wilkinson.
Mr. Mowbray.	Lord Blandford.
Mr. Butt.	Lord Robert Grosvenor.
Mr. Evelyn Denison.	Sir John Pakington.
Mr. Walpole.	Lord Robert Cecil.
Sir James Graham.	Mr. J. A. Smith.
Mr. Ingham.	

The following Resolution was proposed by Mr. *Walpole:* "That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of August 1880, at the ascertained rate of fine, shall, as a rule, be allowed. No lease for such aforesaid term to be extended beyond the said date."

Resolution read 2°. Amendment proposed (Mr. *Ingham*), At the end of the proposed Resolution, to add the words followiug: "That in all cases where the Ecclesiastical Corporation, the Ecclesiastical Commissioners, or the Church Estates Commissioners, acting for either body, shall have entered into treaty with lessees of Church property, for sale or enfranchisement of their leaseholds, it shall be lawful for either party to require the other party to join in referring to arbitration the finding of the annual value of such property, and of the value of the fee-simple; and when such values have been found, it shall be binding on both parties, if either party require to proceed to such sale or enfranchisement, on terms to be computed according to such finding, and by estimating the value of the term at the same rate of interest at which the value of the fee-simple has been determined:"—Amendment proposed to the words so proposed to be added (Mr. *Walpole*), "To leave out from the word 'finding' to the end of the words, in order to add the words following: 'Provided always, that where such lease shall relate to lands (except building-ground), the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the

fee-simple has been determined; and where such lease shall relate to houses or building-ground, it shall be lawful for the arbitrators simply to find the gross sum to be paid for such sale or enfranchisement in such manner as they shall deem just." Question, "That the words proposed to be left out stand part of the proposed amendment;" put and negatived.

Proposed words added to the proposed amendment.

Question, "That these words so amended be added to the proposed Resolution;" put and agreed to.

Resolution as amended agreed to.

Resolved, "That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses, under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of August 1880, at the accustomed rate of fine, shall, as a rule, be allowed. No lease for such aforesaid term to be extended beyond the said date. That in all cases where the Ecclesiastical Corporation, the Ecclesiastical Commissioners, or the Church Estate Commissioners, acting for either body, shall have entered into treaty with lessees of Church property for sale or enfranchisement of their leaseholds, it shall be lawful for either party to require the other party to join in referring to arbitration the finding of the annual value of such property, and of the value of the fee-simple; and when such values have been found, it shall be binding on both parties, if either party require, to proceed to such sale or enfranchisement, on terms to be computed according to such finding. Provided always, that where such lease shall relate to lands (except building ground), the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the fee-simple has been determined; and where such lease shall relate to houses or building ground, it shall be lawful for the arbitrators simply to find the gross sum to be paid for such sale or enfranchisement, in such manner as they shall deem just."

[Adjourned till Tuesday next, at One o'clock.

Martis, 24° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Mr. Ingham.
Lord Blandford.	Mr. J. A. Smith.
Mr. Denison.	Mr. Wilkinson.
Mr. Walpole.	Lord Robert Cecil.
Sir John Pakington.	Sir William Heathcote.
Sir J. Graham.	

Mr. *Herbert Sturmy* examined.

The following Resolution was proposed by Sir *James Graham*:—"That power should be given to the Estates Committee to prepare forms of accounts, according to which the several Chapters shall enter and regulate all their receipts, expenditure, and periodical divisions; also to inspect, either by themselves or their officer, the accounts of such Chapters, and to object to any item in the expenditure which may appear to them not properly payable out of the corporate funds: Provided that, in the event of the Chapter not agreeing to withdraw such item, it shall be competent for the Chapter then to submit the question to a General Board of the Ecclesiastical Commissioners for adjudication, which adjudication shall be final."

Resolution read 2°. Amendment proposed (Mr. *Walpole*), "To leave out the words, 'inspect, either by themselves or their officer, the accounts of such Chapters,' and to insert the words, 'require from the said Chapters copies of such accounts,' in lieu thereof": —Question, "That the words proposed to be left out stand part of the proposed Resolution," put, and negatived.

Proposed words inserted.

Another Amendment proposed (Mr. *Mowbray*), "After the word, 'funds,' to insert the words, 'and to require information in detail as to any items so objected to'"—Question, "That these words be there inserted," put, and agreed to.

Another Amendment proposed (Mr. *Walpole*), "To leave out all the words after the last word, 'Chapter,' and to add the words, 'and the Estates Committee to submit the question to arbitration, and the award of the arbitrators or umpire shall be final'":—Question, "That

"That the words proposed to be left out stand part of the proposed Resolution," put, and negatived.

Proposed words added.

Resolution, as amended, agreed to.

Resolved, "That power should be given to the Estates Committee to prepare forms of accounts, according to which the several Chapters shall enter and regulate all their receipts, expenditure, and periodical divisions; also to require from the said Chapters copies of such accounts; and to object to any item in the expenditure which may appear to them not properly payable out of the corporate funds; and to require information in detail as to any items so objected to: Provided that, in the event of the Chapter not agreeing to withdraw such item, it shall be competent for the Chapter and the Estates Committee to submit the question to arbitration, and the award of the arbitrators or umpire shall be final."

[Adjourned till Friday, at One o'clock.

Veneris, 27° *die Junii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Mr. Ingham.
Lord Robert Grosvenor.	Mr. Wilkinson.
Mr. E. Denison.	Sir J. Pakington.
Sir George Grey.	Lord Blandford.
Mr. Walpole.	Lord Robert Cecil.
Sir James Graham.	Mr. J. A. Smith.

The following Resolution was proposed by Mr. *Smith*:—"In all cases where a lessee of Church property, whether for life or years, and whether his interest under his lease shall extend beyond 21 years or not, shall have entered into a treaty with the Ecclesiastical Corporation, or the Commissioners for the sale or the enfranchisement of his leasehold, it shall be lawful for the parties to such treaty to have recourse to arbitration in like manner, as to houses and lands respectively, as is provided in the case of lessees for the term of 21 years."

Resolution read 2°, and agreed to.

[Adjourned till Tuesday, at One o'clock.

Martis, 1° *die Julii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Sir George Grey.	Mr. Butt.
Lord Blandford.	Sir W. Heathcote.
Lord Robert Grosvenor.	Mr. Wilkinson.

[Adjourned till Friday next, at One o'clock.

Veneris, 4° *die Julii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Mr. Denison.
Lord Blandford.	Lord Robert Grosvenor.
Mr. Butt.	Sir George Grey.
Sir W. Heathcote.	Sir J. Pakington.
Mr. Wilkinson.	Mr. J. A. Smith.
Mr. Walpole.	Lord Robert Cecil.
Mr. Ingham.	Sir James Graham.

The following Resolution was proposed by Lord *Blandford*:—"That upon the re-transfer of estates to any See, as the endowment thereof, the management of such estates should continue to be exercised by the Commissioners as trustees for the property."

Resolution read 2°. Question, "That this Resolution be agreed to," put:—The Committee divided:

Ayes, 4.	Noes, 5.
Lord Blandford.	Mr. Denison.
Mr. Butt.	Mr. Mowbray.
Mr. Ingham.	Mr. Walpole.
Mr. Wilkinson.	Sir J. Graham.
	Sir W. Heathcote.

The following Resolution was proposed by Mr. *Mowbray*:—"That upon the transfer of estates to any see, as the endowment thereof, the management of such estates shall be exercised by three trustees, being laymen, in the commission of the peace, and ordinarily resident within the diocese; two of whom shall be named by the bishop for the time being, and one by the Estates Committee."

Resolution read 2°. Question, "That this Resolution be agreed to," put, and negatived.

The following Resolution was proposed by Mr. *Walpole*:—"That it is desirable that landed estates sufficient to afford the clear statutory income of each Bishop should be secured to each See; that the management of such estate should be in such Bishop, but the Ecclesiastical Commissioners should provide for a periodical inspection of such landed estates, in order to the maintenance thereof, by and at the expense of the Bishop, in proper repair and condition; and any difference of opinion between any Bishop and the Ecclesiastical Commissioners as to repairs, and the condition of such estates, or as to the outlay from to time required thereon, should be decided by arbitration."

Resolution read 2°. Amendment proposed (Lord *Blandford*), To leave out all the words after the word "See." Question, "That the words 'that the management of such estate should remain in such Bishop,' stand part of the proposed Resolution," put. The Committee divided:

Ayes, 9.	Noes, 5.
Mr. Denison.	Lord Blandford.
Mr. Mowbray.	Mr. Butt.
Mr. Walpole.	Mr. Ingham.
Sir George Grey.	Mr. Wilkinson.
Sir J. Pakington.	Lord Robert Cecil.
Sir J. Graham.	
Sir W. Heathcote.	
Lord Robert Grosvenor.	
Mr. J. A. Smith.	

Resolution agreed to.

The following Resolution was proposed by Sir *J. Pakington*:—"That upon the avoidance of any See, the sufficiency of the estates of such See shall be subject to revision, and to arbitration in the event of any difference of opinion between the Bishop appointed and the Ecclesiastical Commissioners."

Resolution read 2°. Amendment proposed (Mr. *Wilkinson*), To leave out all the words after the first word "See," in order to add the words "the landed property destined to provide for the income of the Bishops be sold, and the produce invested in Government securities." Question, "That the words proposed to be left out stand part of the proposed Resolution," put. The Committee divided:

Ayes, 12.	No, 1.
Mr. Denison.	Mr. Wilkinson.
Mr. Mowbray.	
Lord Blandford.	
Mr. Butt.	
Mr. Walpole.	
Sir George Grey.	
Sir J. Pakington.	
Sir J. Graham.	
Sir W. Heathcote.	
Mr. Ingham.	
Lord Robert Grosvenor.	
Lord Robert Cecil.	

Question,

Question, "That this Resolution be agreed to," put. The Committee divided:

Ayes, 4.	Noes, 9.
Sir George Grey.	Mr. Denison.
Sir J. Pakington.	Mr. Mowbray.
Mr. Ingham.	Lord Blandford.
Lord Robert Grosvenor.	Mr. Butt.
	Mr. Walpole.
	Sir J. Graham.
	Sir W. Heathcote.
	Mr. Wilkinson.
	Lord Robert Cecil.

The following Resolution was proposed by Mr. *Butt*:—"That the Ecclesiastical Commissioners should not hereafter make, or give their assent to the making of, any grant or renewal of any lease of tithe rent-charge, except on terms that will give to the lessee not more than a return of the consideration paid by him, and 5 *l.* per cent. thereon."

Resolution read 2°.

Question, "That this Resolution be agreed to," put. The Committee divided:

Ayes, 3.	Noes, 9.
Lord Blandford.	Mr. Mowbray.
Mr. Butt.	Mr. Walpole.
Lord Robert Cecil.	Sir George Grey.
	Sir J. Pakington.
	Sir J. Graham.
	Sir W. Heathcote.
	Mr. Ingham.
	Lord Robert Grosvenor.
	Mr. Wilkinson.

[Adjourned till Tuesday next, at One o'clock.

Martis, 8° die Julii, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Mr. Mowbray.	Sir William Heathcote.
Lord Blandford.	Mr. Wilkinson.
Mr. Walpole.	Sir J. Pakington.
Mr. Denison.	Lord Robert Grosvenor.
Sir George Grey.	Lord Robert Cecil.
Sir James Graham.	

The following Resolution was proposed by Mr. *Mowbray*:—"That the provisions of the 67th section of the Ecclesiastical Duties and Revenues Act (3 & 4 Vict. c. 113), require to be extended so as to enable the Ecclesiastical Commissioners to make provision for the spiritual wants of populous places, with greater consideration for those dioceses from which a large portion of revenue has accrued to the common fund."

Resolution read 2°. Question, "That this Resolution be agreed to," put. The Committee divided:

Ayes, 5.	Noes, 6.
Mr. Mowbray.	Mr. Walpole.
Lord Blandford.	Mr. Denison.
Sir J. Pakington.	Sir G. Grey.
Sir W. Heathcote.	Sir J. Graham.
Lord R. Cecil.	Lord Robert Grosvenor.
	Mr. Wilkinson.

The following Resolutions were proposed by Mr. *Mowbray*:—

"That the urgent necessity for some change of the law in this respect is afforded by the case of the Diocese of Durham.

"That it appears by a Return laid before this Committee (Appendix, p. 286), that, excluding the Maltby Fund (which was a voluntary contribution on the part of the Bishop of Durham) and the property appropriated to the University (which was annexed and secured by 2 & 3 Will. 4, c. 10, and 3 & 4 Vict. c. 113), the Ecclesiastical Commissioners

" Second.—The operation of the Act 13 & 14 Vict. cap. 94, intituled, ' An Act to amend the Act relating to that Commission;' and of the Act 14 & 15 Vict. cap. 104, intituled, ' An Act to facilitate the Arrangement and Improvement of Episcopal and Capitular Estates in England,' and the expediency of further continuing the last Act.

" Third.—The Consolidation of the Church Building Commission with the Ecclesiastical Commission.

" Fourth.—The Bill for the better Management of Episcopal and Capitular Estates.

" *The present Constitution of the Ecclesiastical Commission for England.*

" The Report of the Committee of your Honourable House appointed in 1848 to inquire into the management and composition of the Ecclesiastical Commission sets forth at considerable length the origin and growth of this Commission, and our investigation has been materially facilitated by the information at that time obtained.

" The Ecclesiastical Commission consists of fifty-two members, of whom six are Common Law, Equity, or Ecclesiastical Judges. The remaining forty-six members consist of two Archbishops and twenty-five Bishops, of five members of the Government, of three Deans, and of eleven permanent lay Commissioners.

" Your Committee in 1848, observing the uncertainty of attendance among so large a body, and the difficulty thus created of preserving the thread of business, reported in favour of a division of duties, whereby the business which may be called more purely ecclesiastical should, as far as possible, be separated from the management of property; and suggested for this purpose the appointment of three paid Commissioners, to be paid from the funds of the Commission.

" On the basis of these suggestions the Act 13 & 14 Vict. cap. 94, was passed in 1850, providing that under the denomination of Church Estates Commissioners two lay members of the Commission should be appointed by the Crown, and one lay member be appointed by the Archbishop of Canterbury. These Commissioners, with the addition of two other members of the Commission, appointed annually at a general meeting, and one of whom must be a layman, were empowered, under the name of the Estates Committee, to manage all the property vested in the Ecclesiastical Commission. The General Board was empowered to prescribe to the Estates Committee rules and regulations as to the management of the Estates; and the presence of two Church Estates Commissioners at each general meeting of the Commission, and at each meeting of the Estates Committee, was made indispensable.

" Under the provisions of this Act the Earl of Chichester was named First Church Estates Commissioner, and Mr. John Shaw Lefevre Second Church Estates Commissioner, on the part of the Crown; the Right Honourable Henry Goulburn was appointed Church Estates Commissioner on the part of the Archbishop of Canterbury; the first Commissioner receiving 1,200*l.* a year, the Archbishop's Commissioner 1,000*l.* a year, and Mr. Lefevre being unpaid. It appears from the evidence that the appointment of these three Commissioners has provided that continuous superintendence of the transactions relating to property contemplated by Your Committee in 1848.

" The General Board have not thought it necessary to lay down rules for the guidance of the Estates Committee in dealing with the property vested in the Commission, but have frequently exercised the power afforded to them under the provisions of this Act, referring for consideration and report by the Estates Committee other business of importance, and also in some instances delegating to the Committee the power of finally deciding on and concluding transactions.

" Under other provisions of this Act, the Episcopal Fund was fused with the common fund of the Ecclesiastical Commission, fixed incomes were secured to all Bishops appointed subsequently to 1847, and an option was given to Bishops previously appointed to place themselves upon the same footing. As these enactments came into operation, the common fund became interested in the proceeds of episcopal property; and as, under the provisions of the Act of the subsequent year, 14 & 15 Vict. c. 104, continued and extended by the Act 17 & 18 Vict. c. 116, the improved value arising under enfranchisements effected by episcopal and capitular corporations falls into the common fund, that fund has become interested, directly or indirectly, in the estates of all the ecclesiastical corporations, and the duties of the Estates Committee have materially increased, and will gradually become more onerous. Under the Act 14 & 15 Vict. c. 104, the three Church Estates Commissioners were constituted a separate Board for the purpose of sanctioning the terms of the enfranchisements of leasehold properties agreed upon by ecclesiastical corporations; and under the powers of this Act, continued and amended as before stated, a large number of transactions have been effected and sanctioned by the Church Estates Commissioners. These duties are distinct from those discharged by them as members of the Estates Committee, although similar in character, and they have been discharged with the aid of the staff of the Ecclesiastical Commission, at very little additional expense, and without any special remuneration; and there is no reason to anticipate any diminution in the number and importance of the transactions submitted to this Board.

" Your Committee, having regard to the gradual increase of the duties of the Estate Committee of the Ecclesiastical Commission, and to the number and extent of the transactions approved by the Church Estates Commissioners, advise that the second Church Estates Commissioner appointed by the Crown should, in accordance with the recommendations of Your

Your Committee in 1848, receive a salary out of the funds of the Commission not exceeding 1,000*l.* a year.

" *The Operation of the Act, &c., and the Expediency of further continuing the last Act.*

" In discharging the duties specially entrusted to the Church Estates Commissioners by the Act first mentioned, the Estates Committee endeavoured, in their dealings with the estates vested in the Ecclesiastical Commission, to effect both the restoration of the balance between the income and the expenditure of the common fund and the voluntary enfranchisement of Church leaseholds upon terms advantageous to the Church and satisfactory to the lessees, and for these objects have sold reversionary interests and re-invested the proceeds in the purchase of leasehold interests, in tithe rentcharges, and in lands either vested in the Commission or belonging to ecclesiastical corporations. The restoration of the balance between income and expenditure was indispensable to the security of the common fund, and voluntary enfranchisement had been recommended by the Committee of your Honourable House which investigated, in 1837, 1838, and 1839, the mode of leasing the property of the ecclesiastical corporations, as well as by subsequent Committees of both Houses of Parliament.

" The Committee of the House of Commons, in 1839, made recommendations which these transactions have, to a considerable extent, carried into effect.

" Their recommendation of the abolition of the injurious system of fines upon leases for lives, and also upon leases for years, has been carried out by the total cessation of the system upon nearly the whole of the separate estates of the deaneries and prebends, upon the corporate estates of the Chapters of Southwell, Wolverhampton, York, Carlisle, Chester, Peterborough, and Gloucester, and of the Sees of Bath and Wells, Ripon and Carlisle; and so far as regards leases for lives upon the estates of the Sees of Canterbury, York, St. Asaph, Chester, Ely, Lincoln, Norwich, Peterborough, and Salisbury.

" Their recommendations for the substitution of a fee-simple for a leasehold tenure have been carried into effect within the last five years by enfranchisements relating to property of the value in fee-simple of seven millions of money.

" Their recommendation relating to the due consideration of the customary confidence of renewal has been dealt with in the manner recommended by the Committee of the House of Lords on Church Leaseholds in 1851, and more than 1,300 lessees have availed themselves of the opportunity of enfranchisement, on the terms therein recommended.

" These enfranchisements relate to estates dispersed throughout England, and to a large extent situated in the Northern Counties. There appears to be no reason to doubt that the terms of enfranchisement have proved satisfactory to the lessees as a body. It is, however, in evidence that the recommendation of the Committee of the House of Lords, allowing one more septennial renewal to each lessee for twenty-one years, operates unequally, inasmuch as the lessee of a lease renewed immediately before the passing of the Act in August 1851 would enjoy practically a leasehold term of twenty-eight years, while the lessee of a lease renewed immediately after the passing of the Act would enjoy a leasehold term of twenty-one years; and it has been suggested that all leasehold interests should be valued as if allowed an extension for the longer term.

" Your Committee are of opinion that this recommendation may advantageously be adapted so as to place all such lessees upon an equal footing.

" The Estates Committee, having based their proceedings upon the recommendations of the Committee of the House of Lords, the number and extent of the transactions effected during the first year justified their proceeding further upon that basis, and also encouraged them to effect commutations with certain Chapters, with the view of providing, as recommended by the same Committee, permanent capitular estates in possession, in substitution of the fluctuating income arising from fines on the renewal of leases.

" The details of the first capitular commutation, and of the enfranchisements effected under it, and of the estate proposed within three years as the permanent estate of the Chapter, are set forth in the Appendix to this Report. The following extract from the evidence of the Earl of Chichester will illustrate the principles upon which such commutations have been effected:—

" 'I have before me a Report on the Chapter of York, wherein are stated all the facts of that case. It is the Report of Mr. Edmund James Smith, the agent, to the Commissioners, upon the commutation of the estates of the Chapter of York. He says, 'As it may prove convenient to note the progress of dealing with the estates transferred to the Commissioners under this commutation, I beg to submit a statement of the results of the transactions of the past year. The values of the whole of the estates have been ascertained, and the aggregate value is 427,000*l.* Deducting 13,300*l.* as the value of the estates in possession at the time of commutation, there remains 413,700*l.* leased to various parties, and of this about 42 per cent. was leased for years, and 58 per cent. was leased for lives. The total value of the estates leased being 413,700*l.*, there have already been enfranchised, either by lapse or by sale and purchase, estates of the value of 252,597*l.*; and the interest of the Commissioners in this portion of the estates leased proves to be 123,855*l.* This sum of 123,855*l.*, added to 13,300*l.*, the value of the estates in possession, gives a total of 137,155*l.* already obtained. I find that the leased estates remaining to be dealt with, valued at 161,103*l.*, will certainly not produce less than a present sum of 70,000*l.*, and the enfranchisement of a large part of such remaining estates is in progress. The total value of the Commissioners' interest is therefore 137,155*l.* already obtained, and at least 70,000*l.* in respect of the por-

tion not yet dealt with, making a total of 207,155*l.*; and as the annuity to be provided is 4,410*l.*, it is clear that the surplus of 50,000*l.*, which my Report of 17th July 1852, on which the commutation was based, stated would be obtained, will be fully realised. Contemporaneously, purchases of leasehold interests have been effected in Yorkshire, so that the Chapter may be put into possession of a convenient permanent estate in the course of the current year.''

"Such agreements tend to facilitate enfranchisement, and to provide funds for the endowment of poor livings, as well as afford a ready means of providing estates in possession of ecclesiastical corporations.

"By further provisions in the Act to facilitate the management and improvement of capitular estates, no episcopal or capitular corporation was to derive benefit or to suffer loss by the operation of the Act; the Church Estates Commissioners were required to provide that each dignitary should receive any amount which would have arisen under the previous system of renewal, by way of fine; and all improved value obtained by enfranchisement was required to be appropriated to the common fund of the Ecclesiastical Commission.

"Under these provisions, an amount of 300,000*l.* has been already transferred to the common fund, and further large amounts will become payable on the completion of other transactions, the terms of which have been approved by the Church Estates Commissioners.

"By the assistance thus afforded, and by the proceeds of the reinvestments of monies received for sales of reversionary interests, and the gradual increase of the receipts from the suspended canonries, the balance between the income and the expenditure of the common fund will shortly be restored, so that the grants in aid of the augmentation and endowment of benefices may be gradually extended.

"Since the appointment of the Church Estates Commissioners no grants have been made except in respect of local claims or of special circumstances. The general grants to parochial incumbents amount at the present time to 71,327*l.* yearly, the local claim grants to 12,192*l.* yearly, and the grants in respect of benefactions amount to 9,137*l.* yearly, making in the whole a perpetual annuity of 92,656*l.*, equivalent to a capital sum of 2,779,680*l.*, invested in these augmentations and endowments. By these grants 863 benefices have been augmented and 248 districts endowed, so that 1,111 parochial incumbencies have been either wholly or in part endowed through the instrumentality of the Ecclesiastical Commission.

"The estates of deaneries and prebends vested in the Ecclesiastical Commission being almost wholly held by lessees for lives or years, the local claim on tithes belonging to these estates does not for the most part arise until after a lengthened period. The revenues of sinecure rectories being usually in possession, the parochial benefices of the parishes in which the endowments are situate generally derive immediate advantage. The case of Henllan in the diocese of St. Asaph is adduced in the evidence accompanying this Report as illustrative of the mode in which local claims are dealt with when the opportunity is afforded for their immediate consideration. When the properties vested in the Commission, and subject to leases for lives or years, are dealt with by purchase or sale, the duration of the existing lease is noted in the Annual Report to Parliament, with a view of securing the consideration of the local claim at the proper period.

"It has been pressed upon Your Committee that local claims, which are at present confined by the existing Acts of Parliament to tithes, should be extended to property of every description.

"Your Committee see no sufficient reason for disturbing the present law under which the property vested in the Ecclesiastical Commission is made applicable to the wants of the whole kingdom, according to the degree of destitution of spiritual instruction. The admission of the principle of appropriating the revenues of the Commission generally to the wants of the places in which the property may happen to lie, would practically extinguish the common fund, and defeat the object for which it was constituted by Parliament.

"With respect to the re-enactment of the last Act, and the continuance of the Church Estates Commission as a separate Commission for the purpose of sanctioning the enfranchisements effected by Ecclesiastical Corporations, Your Committee are of opinion that, for the reasons which occasioned its original nomination, the continuance of this Commission may not be undesirable, and is the less open to objection, as its separate existence occasions no additional expense.

"*The Consolidation of the Church Building Commission with the Ecclesiastical Commission.*

"The duration of the Church Building Commission having been limited by Parliament for two years from the Session of 1854, with a view to the consolidation of its duties with those of other existing Boards, the question of the best mode of discharging those duties remains to be disposed of.

"From the statement submitted by the Church Building Commissioners to Her Majesty's Government, and set out in the Appendix to this Report, it appears that the funds entrusted to this Commission are nearly exhausted, and that the remaining duties relate entirely to matters of comparative detail, giving rise to extensive correspondence, and requiring continuous attention, but not involving questions of principle. And Your Committee are of opinion that the consolidation of these Commissions is desirable.

"*The Bill for the better Management of Episcopal and Capitular Estates.*

"The provisions of this Bill transfer, on the 1st January next, all the Episcopal and Capitular Estates to the Ecclesiastical Commission; the Episcopal Estates to be managed by an Episcopal Committee, comprising the First Church Estates Commissioner and two other paid members, and the rest of the estates to be managed by the present Estates Committee of the Ecclesiastical Commission.

"Your Committee, being of opinion that considerable inconvenience might be occasioned by any such sudden transfer of the whole of the estates of the Ecclesiastical Corporations, forbear to enter into details of the various arrangements necessary for effecting such transfer.

"Your Committee advise the withdrawal of the Bill referred to them for their consideration.

"RESOLUTIONS.

"Your Committee advise—

"1. That the present constitution of the Ecclesiastical Commission be continued, with the modification that the second Commissioner appointed by the Crown should be paid, and that the payment of the salary of such Commissioner should be defrayed from the funds of the Commission.

"2. That the Act 14 & 15 Vict. c. 104, entitled "An Act to facilitate the Management and Improvement of Episcopal and Capitular Estates in England," be continued for one year, with a view to the further continuance of the said Act till the end of the year 1859.

"3. That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of August 1880, at the accustomed rate of fine, shall, as a rule, be allowed. No lease for such aforesaid term to be extended beyond the said date. That in all cases where the Ecclesiastical Corporation, the Ecclesiastical Commissioners, or the Church Estate Commissioners acting for either body, shall have entered into treaty with lessees of Church property for sale or enfranchisement of their leaseholds, it shall be lawful for either party to require the other party to join in referring to arbitration the finding of the annual value of such property, and of the value of the fee-simple; and when such values have been found, it shall be binding on both parties, if either party require, to proceed to such sale or enfranchisement, on terms to be computed according to such finding: Provided always, that where such lease shall relate to lands (except building ground), the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the fee-simple has been determined; and where such lease shall relate to houses or building ground, it shall be lawful for the arbitrators simply to find the gross sum to be paid for such sale or enfranchisement in such manner as they shall deem just.

"4. In all cases where a lessee of Church property, whether for life or years, and whether his interest under his lease shall extend beyond 21 years or not, shall have entered into a treaty with the Ecclesiastical Corporation, or the Commissioners, for the sale or the enfranchisement of his leasehold, it shall be lawful for the parties to such treaty to have recourse to arbitration in like manner, as to houses and lands respectively, as is provided in the case of lessees for the term of 21 years.

"5. That it is desirable that landed estates sufficient to afford the clear statutory income of each Bishop should be secured to each See; that the management of such estate should be in such Bishop, but the Ecclesiastical Commissioners should provide for a periodical inspection of such landed estates, in order to the maintenance thereof, by and at the expense of the Bishop, in proper repair and condition; and any difference of opinion between any Bishop and the Ecclesiastical Commissioners, as to repairs and the condition of such estates, or as to the outlay from time to time required thereon, should be decided by arbitration.

"6. That power should be given to the Estates Committee to prepare forms of accounts according to which the several Chapters shall enter and regulate all their receipts, expenditure, and periodical divisions; also, to require from the said Chapters copies of such accounts, and to object to any item in the expenditure which may appear to them not properly payable out of the corporate funds, and to require information in detail as to any items so objected to; provided that in the event of the Chapter not agreeing to withdraw such item, it shall be competent for the Chapter and the Estates Committee to submit the question to arbitration, and the award of the arbitrators or umpire shall be final.

"7. That it is expedient to provide that where any Ecclesiastical Corporation is in the receipt of an income fixed by Act of Parliament, and where the estates of such corporation yield a revenue greater than the said income, and where a portion of such revenue arises out of tithes, or from any lands or other hereditaments assigned in lieu of tithes, in such case it shall be lawful for the Commissioners to make, out of the said tithes, lands, or other hereditaments assigned in lieu of tithes, such provision as may seem to them needful for the spiritual wants of the place in which such tithes now arise, or have heretofore arisen, in the

same manner, and to the same extent in and to which such provision might be made, if the said tithes, lands, or hereditaments were actually vested in the Commissioners.

"8. That it is desirable to amend the Act 3 & 4 Vict. c. 113, s. 67, in such manner as to enable the Commissioners, if they shall think fit, in making additional provision in populous places for the cure of souls, to give a preference to those places in which such additional provision is met by local contributions: Provided always, that such preference shall not be admitted to the prejudice of those places whose interests are saved by the proviso in the said clause.

"9. That the provisions of the 3 & 4 Vict. c. 113, s. 67, respecting local claims upon the Commissioners in respect of tithes which may become vested in them, shall be applicable to any improved value resulting from glebe lands to which the Common Fund may become entitled.

"10. That the Church Building Commission should, after a date to be named in the Act of Parliament for that purpose, be consolidated with the Ecclesiastical Commission, and should be continued up to that date.—(*Chairman*).

"[*This Resolution has been reported to The House.*]

"General Recommendations.

"Your Committee are of opinion, that as considerable estates must, for a time at least, be entrusted to the management of the Commission, it is very desirable—

"1. That the Members of the Church Estate Commission should visit in person, from time to time, any property which is placed under their management. They would thus be able to exercise a closer inspection over the detail management of the property than they have hitherto done.

"2. That the present system of management by their agents be reconsidered, with a view to its greater efficiency, and a possible diminution of expense.

"Your Committee having recommended that all leases granted originally for 21 years should terminate absolutely in 1880, cannot but remark, that it is highly desirable that such lessees should be fully enabled to deal with their leasehold interests in the meantime by sale or enfranchisement.

"Your Committee, in proposing that the Act 14 & 15 of the Queen, cap. 104, should only be renewed till 1859, trust that the experience of the intervening years will prove the arrangements for voluntary dealings between the Ecclesiastical Corporations and their lessees to have been so satisfactory that a compulsory measure may not be necessary.

"Sub-Lessees.

"Your Committee call the attention of The House to a statement of the lessees of the Chapter of Lincoln on this subject.

"Upon the enfranchisement of Church property in houses, much difficulty will arise in dealing with the reasonable claims of the sub-lessees. They have at present, *e. g.* in the diocese of Winchester a right to claim from the lessees a renewal of their leases, as often as the lessees renew their leases with the Bishop. But, upon enfranchisement this right will become inoperative, as the chief, and indeed nearly all the improvements of the property have been made by the sub-lessees, they are clearly entitled, upon enfranchisement, to an equitable consideration of their interests and claims. It was intended by the clauses in the Vict. c. , to provide for these interests and claims. But the sub-lessees complain, and with some justice, that the object sought has not been effected by those clauses. The attention of the Estates Committee should, in the opinion of Your Committee, be directed to this subject, with a view to such an equitable consideration of the interests of lessees and sub-lessees, as may lead to a permanent settlement, which shall be satisfactory to all the parties concerned.

"When the proceedings of the Commissioners shall have enabled them to have a surplus of revenue, several questions will require consideration:—

"1. The mode of assuring the income of the Bishops.

"2. A similar question with respect to the Deans and Chapters.

"3. The mode of augmenting small livings, and providing for the spiritual wants of populous places.

"4. The provision for local wants.

"The first of these questions is beset with difficulties. If the Bishop is to be assured a certain income, and at the same time have the management of a landed estate, he will have no interest in making his management careful and successful. If his income, on the other hand, is wholly dependent on his rents, he will be tempted to neglect the permanent improvement of the estate for the sake of the annual return. If, again, he is deprived of the management of the estate, he is separated from the land, and becomes in effect, though not in name, a stipendiary. If he is to derive his income from the funds, this will be still more the case. Upon the whole, the Committee are disposed to recommend the arrangement which is contained in their Resolution.

"2. With

"2. With regard to the Deans and Chapters, the question is not so difficult. When the Chapters shall have been introduced to surrender their estates to the Ecclesiastical Commission, they may be re-endowed with estates of a value sufficient to provide for the incomes of the Dean and Canons permanently to be maintained.

"The augmentation of small livings, and the creation of new parishes for spiritual instruction, is a subject which will require the earnest and constant attention of the Ecclesiastical Commission.

"The same may be said of the appropriation of tithe rentcharges to the local wants of the places in which they arise.

"As these subjects, however, only come incidentally under the consideration of the Committee, they will content themselves with pointing attention to the fact, that for a long period large masses of property must remain under the control and management of the Church Estates Committee. It will not be possible to vest estates in the incumbents of the existing or new parishes without many new arrangements. It becomes so much the more important that the most vigilant attention should be given by the Commissioners to duties which involve to so great a degree the interests of a large body of tenants, the permanent position of the Church, and the spiritual instruction of that large body of the people who look to the efficient ministration of her services in districts where they have hitherto been inadequate."

Draft Report read 2°, paragraph by paragraph.

Second paragraph, page 3, read, as follows:—"Your Committee, having regard to the gradual increase of the duties of the Estate Committee of the Ecclesiastical Commission, and to the number and extent of the transactions approved by the Church Estates Commissioners, advise that the second Church Estates Commissioner appointed by the Crown should, in accordance with the recommendations of Your Committee in 1848, receive a salary out of the funds of the Commission not exceeding 1,000*l.* a year."

Motion made (Sir *W. Heathcote*), "That this paragraph be omitted":—Question, "That this paragraph stand part of the proposed Report":—Committee divided:

Ayes, 6.	Noes, 3.
Lord Blandford.	Mr. Mowbray.
Mr. Walpole.	Mr. Denison.
Sir J. Graham.	Sir W. Heathcote.
Mr. Ingham.	
Lord R. Grosvenor.	
Mr. Wilkinson.	

Paragraph 6, page 5, read, as follows:—"Your Committee see no sufficient reason for disturbing the present law under which the property vested in the Ecclesiastical Commission is made applicable to the wants of the whole kingdom, according to the degree of destitution of spiritual instruction. The admission of the principle of appropriating the revenues of the Commission generally to the wants of the places in which the property may happen to lie, would practically extinguish the common fund, and defeat the object for which it was constituted by Parliament."

Amendment proposed (Sir *W. Heathcote*), "To leave out from the word, 'Committee,' in line 1, to the first word, 'The,' in line 4, for the purpose of inserting the words following: 'Are of opinion that the present law under which the property vested in the Ecclesiastical Commission is made applicable to the wants of the whole kingdom, a preference being given to those places in which assistance for the cure of souls is most required, might be to some extent modified in the manner indicated, without serious disadvantage, and that such modification would be more just than the present practice'":—Question, "That the words proposed to be left out stand part of the paragraph," put, and agreed to.

Three first paragraphs, page 6, read, as follow:—

"*The Bill for the better Management of Episcopal and Capitular Estates.*

"The provisions of this Bill transfer, on the 1st January next, all the Episcopal and Capitular Estates to the Ecclesiastical Commission; the Episcopal Estates to be managed by an Episcopal Committee, comprising the First Church Estates Commissioner and two other paid members; and the rest of the estates to be managed by the present Estates Committee of the Ecclesiastical Commission.

"Your Committee being of opinion that considerable inconvenience might be occasioned by any such sudden transfer of the whole of the estates of the Ecclesiastical Corporations, forbear to enter into the details of the various arrangements necessary for effecting such transfer.

"Your Committee advise the withdrawal of the Bill referred to them for their consideration."

Amendment proposed (Lord *Blandford*), "To leave out these three paragraphs, and to insert in lieu thereof the paragraphs following":—

"The provisions of this Bill transfer, on the 1st January next, all the Episcopal and Capitular Estates to the Ecclesiastical Commission; the Episcopal Estates to be managed by an Episcopal Committee, comprising the First Church Estates Commissioner and two other paid members, and the rest of the estates to be subjected to the temporary management of the present Estates Committee of the Ecclesiastical Commission.

"In order to a correct estimate of the grounds upon which this proposal is made, a brief review of the changes which have conduced to the present state of the property is necessary.

"The incomes of all Bishops who have been appointed since the year 1848 is fixed by an Act of the 13 & 14 Vict. c. 94, and a scheme of the Commissioners, ratified by an Order in Council, further determines the mode of putting the provisions of this Act into effect.

"By these means the Commissioners are entitled to any surplus that may be derived from the estates of any See, while at the same time they are liable to make up any deficiency in its income; the management of the respective properties continues to be exercised by the Bishops, while the sanction of the Commissioners is requisite previous to any lease being granted.

"By this arrangement it appears that while the incumbent of the See is virtually relieved from all direct interest in the property, quesions are liable to arise, both as to the renewal of leases and the transactions consequent thereupon, which, in consequence of the ill-defined relation to the property mutually occupied by the Bishop and the Commissioners, are often surrounded with embarrassments, and may be prejudicial in their results to the general interests of the Church.

"As regards Capitular Property, the Act of the 3 & 4 Vict. c. 113, suspended a certain number of Canonries, the proceeds of which were made payable to the Common Fund of the Commissioners.

"The incomes of the members of some of the larger Chapters were by the same Act limited, and their surplus was also made payable to the Common Fund.

"Allusion has been already made to the Act of the 17 & 18 Vict. c. 116, by which the Commissioners are required to set apart for the permanent endowment of any Ecclesiastical Corporation, aggregate or sole, a share of any sum resulting from enfranchisements, equal to that which the corporation or any member of it would have been entitled to if the Act had not passed, and the remainder of such sum is made payable to the Common Fund of the Commissioners.

"The Common Fund of the Commissioners is thus, it will be seen, entitled to payments accruing in respect of capitular property from three separate sources.

"The 3 & 4 Vict. c. 113, further sanctions arrangements by which the Commissioners are authorised to make certain payments to chapters or to individual members of them.

"The first case is where a Chapter or a member of a Chapter has agreed or is entitled to receive a fixed income, and in this case the Commissioners are liable to make up any deficiency that may occur in such income, while they are, should a surplus exist, entitled to receive it. It appears from a return contained in the Appendix to the First Report that the Deans of the Cathedral Churches of St. David's, Hereford, Lichfield, Peterborough, Ripon, Salisbury, and Wells, and the Canons of the Cathedral Churches of St. David's, Lichfield, Peterborough, Ripon, and Salisbury have entered into arrangements of this nature with the Commissioners.

"The second case is that in which certain Chapters have agreed to transfer their estates in fee to the Commissioners, and to receive in exchange a fixed income from them. An arrangement of this nature has been effected with the Chapters of York, Carlisle, Chester, Gloucester, and Peterborough.

"These two cases constitute the principal liabilities on the part of the Commissioners to make payments to Chapters out of their Common Fund.

"A material difference, however, will be seen to exist between these two descriptions of arrangements, inasmuch as in the latter case the property being transferred to the Commissioners, is under their entire control, for its most productive management, and their consequent remuneration for the income for which they have become liable; while in the other case, although they have accepted a liability to secure a fixed income to the Chapters, they possess no control either immediate or indirect over their estates.

"The cases which have been enumerated as constituting the claims of the Commissioners upon Chapter property represent, in some Chapters where a considerable number of Canonries have been suspended, and the value of the property has been capable of much increase, a very large interest, to which the Common Fund is entitled; in the case of the Chapter of Durham, it appears that the average revenue to be expected for some time to come from the estates of that Chapter, may equal 60,000 *l.* per annum, while the interest of the Chapter in that revenue, when the reduction in the number of Canonries reaches its limit, will not equal one-half of that amount of income; the Chapter of Westminster presents also another case in which, from similar causes, the Commissioners will be entitled to a large interest in the corporate revenues.

"Another contingency, already alluded to, swells the interest which the Commissioners possess in Chapter property; namely, their right to the improved value of estates resulting from enfranchisements. In the case of the property of the Chapter of York, the value of the fee-simple is stated to be upwards of 400,000 *l.*, the sum which the Commissioners have agreed

agreed to pay to that Chapter, as a commutation for their estates is 4,400 *l.* per annum; while the interest which the Church, or rather the Commissioners, in consequence of the transfer, are expected ultimately to secure from the property, amounts to something under 50 *l.* per cent. of the fee-simple value, or to a capital sum of 200,000 *l.*

"The system under which a large interest is possessed by the Commissioners in capitular property, over which they exercise little or no control, carries with it certain inconveniences and objections. The correspondonce which appears in the Appendix to the First Report, between the Chapter of Durham and the Commissioners, affords an illustration of the difficulties that may arise under such last-mentioned arrangements; and while Ecclesiastical Corporations have either to pay over the surplus of their revenues to the Commissioners, who are in their turn liable to make up any deficiency in their incomes, inducements to the careful and consequently improving management of the property will be proportionably diminished.

"A further advantage appears to flow from the transfer of estates to the Commissioners in the increased facilities which are thereby afforded for effecting the enfranchisement of leaseholds.

"Mr. Lefevre states, in his evidence, that this consideration was one of the motives which weighed with the Commissioners in entering into these arrangements, and that they have much facilitated the dealings with the lessees, which thus, he states, 'have only to pass through one channel instead of two.' A similar opinion has been expressed by the Earl of Chichester, who speaks to the advantage of the Commissioners, as large capitalists, dealing in these transactions, as compared with Chapters, who, from the obligation of providing for their annual expense, would be unwilling in many cases to sacrifice any portion of their immediate income.

"At present these transfers of property are purely voluntary arrangements, and it becomes a question for consideration whether inducements exist sufficient to lead to their general adoption on the part of Ecclesiastical Corporations.

"The opinion of Mr. Lefevre is, that the prospect of a fixed instead of a fluctuating income, will be the main inducement with Ecclesiastical Corporations to effect these transfers; but in estimating such a probability, it must be remembered that 13 Bishops are already in receipt of a fixed income, under the provisions of the 13 & 14 Vict. c. 94, and one only has as yet agreed to transfer the estates of the See to the Commissioners; while, under the present state of the law, any Bishop can receive a fixed income from the Commissioners, without the transfer of his estates. With regard to Chapters, nine are already in the receipt of fixed incomes, who have not transferred their estates to the Commissioners, while they possess to some extent the same power of securing a fixed income.

"Considerable differences of opinion also appear to exist as to the desirableness of the process of enfranchisement; the Commissioners, on the one hand, expressing their decided conviction of its advantages; a conviction which there is reason to believe is by no means generally shared by members of Chapters, who, it has been before stated, do not derive any advantage in respect of increased value from these transactions.

"In addition to this, the private advantage of persons who are concerned in drawing up leases, and who are employed by Ecclesiastical Corporations in the management of their estates, must not be lost sight of, in estimating the impediments that may be thrown in the way of a more general adoption of the system of transferring estates to the Commissioners for the purposes of enfranchisement.

"Desirable, however, as it may be that some mode should be devised by which the relation in which the Commissioners stand to a large portion of capitular property should be placed upon a satisfactory footing, Your Committee being of opinion that considerable inconvenience might be occasioned by any sudden transfer of the whole of the estates of the Ecclesiastical Corporations at present, advise the withdrawal of the Bill referred to them for their consideration.

"At the same time, for the reasons Your Committee have before suggested, it would appear to be a matter of equal moment, *first*, that there should be no impediment to obstruct the general process of voluntary enfranchisement, and, *secondly*, that facilities should be afforded for enabling the Commissioners to obtain absolute control over that portion of capitular property in which they now by law possess an immediate interest, while the remainder should be vested in the different Ecclesiastical Corporations, and be subject to such conditions as to management as should ensure its improvement being duly attended to."

Question, "That the first paragraph proposed to be left out stand part of the proposed Report," put, and agreed to.

Two subsequent paragraphs agreed to.

Paragraph 7, p. 6, read, as follows:—"4. In all cases where a lessee of Church property, whether for life or years, and whether his interest under his lease shall extend beyond 21 years or not, shall have entered into a treaty with the Ecclesiastical Corporation or the Commissioners, for the sale or the enfranchisement of his leasehold, it shall be lawful for the parties to such treaty to have recourse to arbitration in like manner, as to houses and land respectively, as is provided in the case of lessees for the term of 21 years.

Amendment proposed (Mr. *Smith*), "At the end of the paragraph, to add the words following: 'And that in all cases regard should be had to the long-continued practice of renewal'":—Question, "That these words be there added," put:—The Committee divided:

Ayes, 7.	Noes, 4.
Mr. Mowbray.	Mr. Walpole.
Lord Blandford.	Sir G. Grey.
Mr. Denison.	Sir J. Graham.
Sir W. Heathcote.	Mr. Wilkinson.
Mr. Ingham.	
Lord R. Grosvenor.	
Mr. J. R. Smith.	

The following paragraph was proposed by Lord *Blandford*:—"That in case any Bishop should decline to undertake the management of the estate apportioned to his See, he shall be at liberty to resign such management to the Ecclesiastical Commissioners." Question, "That this paragraph be inserted in the proposed Report," put. The Committee divided:

Ayes, 3.	Noes, 6.
Lord Blandford.	Mr. Mowbray.
Mr. Ingham.	Mr. Denison.
Mr. Wilkinson.	Mr. Walpole.
	Sir J. Graham.
	Sir W. Heathcote.
	Mr. J. A. Smith.

[Adjourned till Tuesday next, at One o'clock.

Martis, 15° *die Julii*, 1856.

MEMBERS PRESENT:

Lord JOHN RUSSELL, in the Chair.

Marquis of Blandford.	Mr. Walpole.
Sir W. Heathcote.	Lord Robert Cecil.
Mr. Mowbray.	Mr. J. A. Smith.
Mr. Wilkinson.	Sir James Graham.

The Committee proceeded in the Draft Report.

Motion made (Lord *Blandford*), "After Resolution 12, p. 7, to insert the following paragraphs prepared by Mr. *Butt*:"—

"ENFRANCHISEMENT OF HOUSE PROPERTY.

"1. THE Committee Report, in reference to the operation of the Act 14 & 15 Vict. c. 104, that the number of enfranchisements has of late greatly increased; and the Committee attribute this increase to the recommendation having been followed which is contained in No. 14 of the Report of the Special Committee of the House of Lords in 1851, in reference to the terms of enfranchisement of farms and the rentcharges.

"2. That the Committee have had conflicting evidence before them as to the proper mode of enfranchising house property. On the part of certain lessees of house property, it is stated that the principle, as regards the terms on which such property should be enfranchised, is the same as that which is recommended by the Report of the Select Committee of the Lords as to farms and tithe rentcharges, namely, that the value of the reversion shall be the value of the fee-simple, deducting the value of the lease, calculated at the same rate of interest as that at which the value of the fee is determined. That, on the contrary, it is stated by Mr. E. J. Smith, the surveyor of the Church Estate Commissioners, that the following is the proper method of ascertaining the value of the reversion: to calculate the present value in money of the fee-simple of the house, and to consider such sum of money as payable at the end of the lease, and then to discount it at 4 per cent.; or, if the house is a very poor one, at 4½ per cent., and that the result is the present value of the reversion.

"3. That in order to show the different results as to the value of the reversion of house property, arising from these two different methods of calculation, the Committee refer to the evidence given before them by William Paynter, esq., a lessee of house property, and to a statement contained in his evidence of a calculation made by Mr. C. Ansell, the actuary of the Atlas Assurance Company, on the subject. That, by way of illustration, Mr. Paynter takes the case of a house, in fair average condition, on a lease for 30 years at a peppercorn rent, of the clear annual value of 100*l.*, the fee-simple of which is worth 16⅔ years' purchase, allowing the purchaser six per cent. for his money:

"By

" By the Six per Cent Interest Table:	£.	s.	d.
" The value of the fee is worth - - - - - -	1,666	13	4
" The value of the lease for 30 years - - - - -	1,376	9	8
" The difference between them, being the value of the reversion according to his view - - - - - - - -	290	3	8

" By the method adopted by Mr. E. J. Smith:	£.	s.	d.
" The present value of the fee of the above house being - -	1,666	13	4
" The present value of the reversion is the sum of 1,666 *l.* 13 *s.* 4 *d.*, payable at the end of 30 years, discounted at the rate of four per cent., namely - - - - - - -	513	17	3
" So that the value of the lease for 30 years being - - -	1,376	9	8
" And the sum to be paid for the reversion by Mr. Smith's plan - - - - - - - - - - - -	513	17	3
" The aggregate sum is - - - - £.	1,890	6	11

" Mr. Paynter hence deduces this conclusion, that as the value of the fee is only worth 1,666 *l.* 13 *s.* 4 *d.*, if the lessee is obliged to sell it, after he has purchased the reversion, according to this last plan he must lose the difference between - - £.	1,890	6	11
" And - - - - - - - - - - - - - - -	1,666	13	4
" Being the sum of - - - - - - - - - - £.	223	13	7

" The committee refer also to the statement of C. Pott, esq., and Mr. Harrison and Mr. Driver, contained in the evidence, who agree with Mr. Paynter's views on the subject of enfranchisement.

" 4. The Committee, in consequence of this conflicting evidence between the above lessees on one side, and the surveyor of the Church Estates Commissioners on the other, recommend, that if parties differ as to the value of the reversion of house property, on a treaty for enfranchisement having been entered into between them, either party shall be at liberty to require of the other that the value of the reversion shall be settled by arbitration.

" 5. The Committee deem it right to report, that the plan of ascertaining the value of the reversion of house property, as suggested by the evidence of the lessees, and which, in their view, will remove every difficulty attending the enfranchisement of it, is the following:—

" That on every treaty for enfranchisement, if the parties differ in opinion, the value of the fee-simple, and the clear annual value of the house property, shall be first ascertained by arbitration.

" The value of the lease shall then be calculated according to the same rate of interest as that at which the value of the fee is determined.

" And the difference between the value of the fee and the value of the lease thus ascertained shall be the price of the reversion."

Question, " That these paragraphs be there inserted," put, and negatived.

Motion made (Lord *Blandford*), after paragraph 3, p. 8, to insert the following paragraphs:—

" The fact that the property of the various Sees is in process of being converted from a property under leasehold tenure, into an estate in possession, calls necessarily for some variation in the mode in which that property has hitherto been managed.

" When an estate in possession shall have been secured to a Bishop, which is no longer subject to lease, either for lives or years, the Bishop, as the *immediate* proprietor, but with only a terminable interest, must occupy a position with reference to such property, different from that of any other owner of land; while at the same time the fact cannot be disregarded, that the demand both for time and attention, incident to the efficient management, by himself, of an estate of such a nature, will be a considerable item among the other responsibilities of his office; and a doubt might not unreasonably be entertained as to its compatibility with them.

" Under such an arrangement as the foregoing, a mode is indispensable for determining the expenditure that will be proper both for repairs and improvements. An agent appointed by the Commissioners must necessarily supervise, and some degree of control be exercised over the one belonging to the Bishop. The condition of the estates must be constantly known to the Commissioners, and powers at law be possessed by them to enforce a necessary outlay.

" Difference of opinion will probably exist as to the desirableness of such an arrangement,

but Your Committee feel bound to state that the evidence of Mr. Lefevre is decidedly adverse to a double system of management, which management, in his opinion, would be more suitably exercised by the Commissioners themselves as trustees for the property.

"The incomes of the Sees have been definitively fixed by Parliament, and if the amounts are to remain constant, provision must be made both for supplying any occasional deficiency, or for determining the improved value of the estates to which the Commissioners from time to time may become entitled. The times and modes of conducting such revisions will be an important element in this question. If the Bishop is to be entitled at any time to have a deficiency made good, a corresponding advantage must be given to the Commissioners, a system which would be nearly identical with that now in practice; while its effect, in completely depriving the Bishop of any interest in the property, forms another important feature, when we come to consider the propriety of charging him with the responsibility of its management."

Question, "That these paragraphs be there inserted," put, and negatived.

Paragraphs 6 and 7, p. 8, of Chairman's Draft Report, read as follows:—

"The augmentation of small livings, and the creation of new parishes for spiritual instruction, is a subject which will require the earnest and constant attention of the Ecclesiastical Commission.

"The same may be said of the appropriation of tithe rentcharges to the local wants of the places in which they arise."

Question, "That these paragraphs stand part of the proposed Report," put. The Committee divided.

Ayes, 2.	Noes, 5.
Lord Blandford.	Mr. Mowbray.
Mr. Wilkinson.	Mr. Walpole.
	Sir J. Graham.
	Lord A. Cecil.
	Sir W. Heathcote.

The Committee proceeded in the Draft Report, with amendments.

Question, "That this be the Report of the Committee," put, and agreed to.

[Ordered to Report, together with the Minutes of Evidence.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. Joseph Curtis			3 days	3 1 –	3 3 –	6 4 –
Mr. John Parkinson			5 „	2 15 –	5 5 –	8 – –
Mr. William C. Chaytor			7 „	8 – –	7 7 –	15 7 –
Mr. Charles Pidcock			3 „	2 16 –	3 3 –	5 19 –
Mr. Henry Workman			3 „	2 11 –	3 3 –	5 14 –
Mr. Robinson Latter			2 „	– 10 6	2 2 –	2 12 6
					£.	43 16 6

MINUTES OF EVIDENCE.

LIST OF WITNESSES.

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William Paynter, Esq. - - - - - - - - - p. 1

Martis, 29° *die Aprilis*, 1856.

Edmund James Smith, Esq. - - - - - - - - p. 28
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Veneris, 2° *die Maii*, 1856.

William Paynter, Esq. - - - - - - - - - p. 49
John Aubrey Whitcombe - - - - - - - - p. 56

Martis, 6° *die Maii*, 1856.

Mr. Richard Hall - - - - - - - - - - p. 75
Mr. Charles Pidcock - - - - - - - - - p. 77
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Martis, 20° *die Maii*, 1856.

Mr. Robinson Latter - - - - - - - - - p. 99
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Mr. William Brodrick - - - - - - - - - p. 119
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The Right Honourable Spencer Horatio Walpole, M. P. - - p. 141

Martis, 3° *die Junii*, 1856.

The Reverend Clement Moody - - - - - - - p. 165
James J. Chalk, Esq. - - - - - - - - - p. 173

Martis, 10° *die Junii*, 1856.

Charles Pott, Esq. - - - - - - - - - - p. 176

Martis, 17° *die Junii*, 1856.

Edmund James Smith, Esq. - - - - - - - - p. 178

Martis, 24° *die Junii*, 1856.

Herbert Sturmy, Esq. - - - - - - - - - p. 193

MINUTES OF EVIDENCE.

Veneris, 25° *die Aprilis*, 1856.

MEMBERS PRESENT:

Lord John Russell.
Marquis of Blandford.
Sir James Graham.
Mr. Wilkinson.
Mr. Walpole.
Mr. Ingham.
Lord Robert Cecil.
Mr. Evelyn Denison.
Sir William Heathcote.
Mr. J. A. Smith.
Lord Robert Grosvenor.
Mr. George Butt.
Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL IN THE CHAIR.

William Paynter, Esq., called in; and Examined.

W. Paynter, Esq.

25 April 1856.

3073. *Chairman.*] YOU are able to give evidence to the Committee with respect to leases?—Yes.

3074. Mr. *E. Denison.*] What position do you occupy?—I am a magistrate for Middlesex and Surrey, and I was formerly at the bar, but have not practised lately.

3075. In what way are you interested in church property?—I am the lessee of church property held on lives under the See of Winchester; nearly seven acres covered with houses as lessee, and nearly six acres as sub-lessee covered with houses.

3076. Do you represent the opinions of any other persons besides yourself?—I represent the opinions of my brother-in-law, the Rev. Samuel Paynter, who has about six acres covered with houses, and of Messrs. Pott, who have perhaps about 20 acres; at all events I represent the opinions of persons who have a property of which the clear annual value is at least 25,000 *l.* a year.

3077. What are the points on which you have to complain?—I consider that I have to bring before the Committee a great wrong which is done to leaseholders of house property, and I wish to suggest a remedy for that wrong.

3078. Have you prepared a scheme upon the subject?—The wrong of which I complain is this: that in reference to farms, and to tithe rentcharges, certain recommendations which appear to me to be quite just and right have been laid down by the Committee of the House of Lords, and no recommendations have been laid down in reference to the enfranchisement of house property; the consequence is, that whatever extravagant demand may be made upon the lessees of house property for enfranchisement, unless that demand is acceded to, we have the threat held over us of having our leases run out. Now the remedy which I propose, is a remedy pointing out a just mode of enfranchising house property. The principle once admitted, we know what we are about, and it would prevent a very great deal of wrong being done to that class of leaseholders, and put the matter in an intelligible point of view.

3079. Will you explain your view?—My plan is a very short one, and it is very analogous to the principle which has been laid down by the Lords' Committee in reference to other property, with a slight variation, taking into consideration the peculiarity of this property. The suggestions made by me are these. The facts of the case being, that the Church is entitled to the reversion, and the lessee to the lease, the question to be decided is, what sum ought to be given by the lessee for the reversion, in order that house property may be enfranchised with

W. Paynter, Esq.

25 April 1856.

advantage to both parties. The answer to this appears to me to be clear. The lessee ought to give the value of the fee-simple, deducting the value of the lease. If this be so, the only point to be decided is, how can these values be fairly ascertained? The method I propose is the following: First, calculate the value of the fee-simple of the house property sought to be enfranchised according to the rate at which the fee-simple of similar property sells in the neighbourhood, or in other words, according to the market value. Hence the number of years' purchase (of the annual value of the property let on a repairing lease) for the fee-simple would be determined, and consequently the rate of interest obtained by the purchaser. I mention the market value of the particular house property, in order to ascertain the fee-simple as the starting point, because, in reference to house property, the value of it varies according to the particular locality. The fee-simple of a house in one place is vastly different from the fee-simple of a house in another, and therefore I propose that the value of the fee-simple in the particular locality shall be ascertained. When you ascertain that, you ascertain, in fact, the number of years' purchase at the fair annual value which the house is worth, and that indicates the particular rate of interest which the purchaser has in reference to the particular thing. Then I propose to calculate the value of the lease at the same rate of interest, and on the same annual value of the property, as in the case of the fee-simple. If a person has a lease of 30 years, and you wish to ascertain what the value of the reversion is, you calculate the fee of the house according to the market value in the particular locality, and then, by the same rate of interest, and upon the same annual value, you calculate the lease, and by subtracting one from the other you get the value of the reversion. Those two would constitute the value of the fee if you went into the market. That is the plan of the enfranchisement. But then I make the following proposal. I would recommend also, in order to facilitate the enfranchisement of this kind of property, as it might not be convenient in some cases for the lessees to pay down the principal sum, or the whole of it, for the enfranchisement, to give them the option of having such principal sum, or part thereof, commuted into an equivalent yearly rentcharge on the property, with a power to redeem the rentcharge on the same terms at a subsequent period, but that such yearly rentcharge shall in no case exceed in amount one-fourth of the clear annual value of the property. That is merely as a facility. It might be inconvenient to a lessee to pay the money at once, and I propose as a mode of facilitating the enfranchisement to give him that power to be able to redeem at a particular time. Then I would recommend also, that if any difference of opinion arises between the parties as to the market value of the fee-simple of house property in any particular locality, or the clear annual value, the same shall be determined by arbitration, in the same way as by the 17th & 18th Victoria, chapter 116. There directions are given, that if there is a difference of opinion as to the value of the fee-simple, or the value of the clear annual rental, either of those two particular points which are the material elements of calculation, shall be decided by arbitration. Then I have made the following note. It is intended that leases, whether for lives or years, where the equivalent term or the term is reduced below 21 years, should have the benefit of one more renewal for seven years on payment of the same rate of fine as heretofore before the enfranchisement, as recommended by the Lords' Report in 1851. If the lease should have so run out as to be below 21 years, the Committee of the House of Lords recommended in reference to other property that seven years should be added by way of renewal before the enfranchisement took place. Therefore I merely adopt that recommendation with reference to this class of property. It will be seen that these suggestions with reference to the enfranchisement of house property go upon precisely the principle, which I hold to be the only just principle in regard to enfranchisement, namely, to calculate the value of the fee and of the lease according to the same rate of interest. If you do that, you do injustice to no party; you subtract one from the other; and the consequence is, that when you have got your enfranchisement, and have the fee of the property, you can go into the market and sell the fee without loss, the price given for the enfranchisement, together with the value of the lease, being equal to the value of the fee.

3080. Are you aware of the plan adopted by the Church Estates Commissioners or their surveyor, and in what way does that differ from the plan which you have suggested?—It differs most materially, and is culculated to do most essential wrong to the whole class of leaseholders of house property.

3081. Have you had any calculations made?—Yes. I will just explain what the plan is which they adopt. The plan is this: they say, "We will calculate the value

value of the fee-simple of the house as if it were in possession, making all allowances for the particular contingencies which affect house property. We will take the value, say, of a house of 100 *l.* a year, at 16⅔ years' purchase, which is the ordinary value of good household property. Then we will calculate that as the value of the fee of the house, taking into consideration all the risks and all the chances in reference to that species of property. And having calculated the whole risks and saved the tenant from all kinds of hazard in reference to this particular property, we say that, in order to ascertain the value of the reversion, we must consider the particular sum at which we have calculated the value of the fee in possession as a sum payable at the end of the term; and then, if we discount that sum by 4 per cent., we shall get the present value of the particular reversion." That was what was laid down as explained by Mr. Smith in his evidence which I heard him give, and which seems to be a very favourite plan; for it was also explained upon the last occasion by Mr. Chaytor as being adopted by the Dean and Chapter of Durham. Now I immediately placed in the hands of Mr. Ansell, the actuary of the Atlas Fire Office, a case to test the accuracy of these two particular modes of enfranchisement; and the result, as I shall be able to show, would be this, that in reference to my own particular case and that of Mr. Pott, who is behind me, if we were to adopt the plan of enfranchising our property by the mode recommended by the surveyor of the ecclesiastical estates, we should be certainly about 45,000 *l.* out of pocket, if we were to sell the fee; but in all probability, I believe, we should be between 50,000 *l.* and 60,000 *l.* out of pocket; so that after we had achieved this great thing of getting an enfranchisement of the property upon their terms, if it were necessary for any improvement to sell the property next day or the next week, the consequence would be that we should find ourselves approaching to 50,000 *l.* out of pocket. Now the calculations are extremely simple, because it is a matter quite easy of apprehension by anybody. The case which I submitted to Mr. Ansell was this: "There are two plans proposed for the enfranchisement of house property held under the Church, either on lives or for a term of years. The object to ascertain is, which is the fair and proper one. First plan: The price for the enfranchisement shall be the fair market value of the fee-simple, deducting the value of the lease, both being valued at the same rate of interest, and at the same clear annual value." That is very essential in reference to house property, because there are so many kinds of subdivision; the lessee takes it, and then he lets it to another, and then the second party lets it to another, and different interests are carved out; and the relative interests of these parties vary, of course, according to the security; the smallness of the rent. The first person who has a small rent has a more valuable property than the last person who has the rackrent, because he is more secured, inasmuch as the value of the premises will certainly secure him the payment of a third of their value. Second plan: The price for the enfranchisement shall be ascertained in the following way." (This is the plan proposed by Mr. Smith, the surveyor of the Ecclesiastical Commissioners). "Compute the value in money of the house property, as if it were owned in fee; then ascertain, according to the 4 or 4½ per cent. rate of interest table, the present value of such sum of money, payable at the end of the existing lease. Take the result to represent the value of the reversion, and consequently the price that shall be given for the enfranchisement. In reference to the first plan, you are requested to answer the following queries. Query the first. What is the value in money of the fee-simple of a house of 100 *l.*, allowing (as is usual with reference to houses in good condition) the purchaser 6 per cent. interest?" The answer which he gives is, "1,666 *l.* 13 *s.* 4 *d.*" "Query the second. What is the value in money of a lease for 30 years," (which is about the value of one of my leases which I hold for 3 lives) "of the above house at a nominal rent of the same clear annual value, and at the same rate of interest as in the last question?" The answer is, "1,376 *l.* 9 *s.* 8 *d.*" "Query the third. The price for the enfranchisement being, according to the first plan, the difference between these two values, state what sum of money such difference amounts to?" The answer is "290 *l.* 3 *s.* 8 *d.*" Then in reference to the second plan, we test the same property. "In reference to the second plan, you are requested to answer the following queries. Query the first; the same as before. What is the value in money of the fee-simple of a house, of the clear annual value of 100 *l.*, allowing the purchaser 6 per cent. interest." The answer is the same, "1,666 *l.* 13 *s.* 4 *d.*" "Query the second. What is the present value, by the 4 and 4½ per cent. rate of interest tables, respectively,

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tively, of the principal sum you have calculated, in answer to the last query, payable at the end of 30 years; this, according to the second plan, being taken as the value of the reversion, after the lease for 30 years, and consequently the price to be given for the enfranchisement?" The answer is "513*l.* 17*s.* 3*d.*, interest, being 4 per cent," which, in fact, would be the interest at which they would discount it upon the property, which I assume to be good property; and, if it were inferior property, they say they would discount it at 4½ per cent.; but at 4½ per cent. the answer is "445*l.*" Then it goes on: "In order to test the accuracy of the two plans, you are requested to answer the following queries. Query the first. Assume that after the enfranchisement is made of the above property, according to the first plan, the lessee wishes to sell the fee-simple of the house; would not the value of the lease for 30 years, plus the value given for the enfranchisement, exactly equal the value in money of the fee-simple?" His answer is, "It would." In fact, it would be 1,376*l.* 9*s.* 8*d.*, the value of the lease, and 290*l.* 3*s.* 8*d.*, the value which you would get for the enfranchisement, which together make 1,666*l.* 13*s.* 4*d.* Therefore, if by the first plan I were to obtain the fee by obtaining the enfranchisement, and it were necessary that I should go into the market and sell it, I should be able to sell it according to the sum that I had given; I should be no loser. "Query the second. Assume that after the enfranchisement is made of the above property according to the second plan, the lessee wishes to sell the fee-simple of the house; would not the value of the lease for 30 years, plus the value given for the enfranchisement, exceed the value of the fee-simple, and by what sum; and would not this sum represent exactly the loss sustained by the lessee, if the second plan for enfranchisement is adopted?" Answer: "The value of the lease for 30 years, plus the sum assumed to be given for the enfranchisement, would exceed the value of the fee-simple by 223*l.* 13*s.* 7*d.*, if the enfranchisement had been made, assuming interest at the rate of 4 per cent.; or it would exceed the value of the fee by 154*l.* 16*s.* 4*d.*, if the enfranchisement had been made at 4½ per cent. interest." The sums there calculated are 1,376*l.* 9*s.* 8*d.* as the value of the 30 years' lease; and, according to the second plan of enfranchisement at 4 per cent., the value of the reversion would be 513*l.* 17*s.* 3*d.*, which together would make 1,890*l.* 6*s.* 11*d.*; 1,890*l.* 6*s.* 11*d.* exceeds the value of the fee-simple of the property (which is 1,666*l.* 13*s.* 4*d.*) by 223*l.* 13*s.* 7*d.* That is the case with regard to a house of the value of 100*l.* a year. Then, as I had some little curiosity to know what I should lose particularly, and what Mr. Pott would lose also, assuming that the value of our terms were 30 years, I put the following question as to what would be the loss sustained by this plan: "If the lessee holds two leases of house property at a nominal rent for 30 years (the fair market value of the fee-simple of such property being 16⅔ years' purchase, as before), and the house property in one lease is of the clear annual value of 10,000*l.*, and the house property in the other lease is of the clear annual value of 15,000*l.*, should the enfranchisement take place, according to the second plan, what would be the loss sustained by the lessee, in reference to the property contained in each lease respectively should he then sell the fee-simple of the property at the fair market value, as above?" Answer: "In the case of the 10,000*l.* per annum rental, the loss would be 22,368*l.* 1*s.* 7*d.*, if the enfranchisement had been made, assuming interest at 4 per cent. per annum, or 15,481*l.* 12*s.* 10*d.*, at 4½ per cent. interest for the enfranchisement. On the 15,000*l.* per annum rental" (which is the case of Mr. Pott, who I believe sits behind me here, and who would be more favoured than I should be) "the loss would be 33,552*l.* 2*s.* 3*d.*, at 4 per cent. interest; or 23,222*l.* 9*s.* 3*d.* if interest had been computed at 4½ per cent. in the enfranchisement." Now I have taken this as a mere sample of a 30 years' lease; I believe my leases are rather above the duration of a term for 30 years; one of the equivalent value of 30 years and another more than that. But I thought it might be satisfactory to have a calculation upon another term, and therefore I asked Mr. Ansell to calculate the loss, if the lease of the house of the value of 100*l.* per annum were for only 14 years. The answer is this—I have not brought his papers, but I have brought the results—he states, that the loss by enfranchisement on the second plan would be 225*l.* 5*s.* 10*d.*, discount being at 4 per cent.; that is to say, that if a person had a 21 years' lease, and seven years were gone of it, leaving 14 remaining, the loss upon the second plan of enfranchisement, on every house of the clear annual value of 100*l.*, would be 225*l.*; that is to say, if you went into the market after you had obtained this enfranchisement to sell it, you would lose 225*l.* for

every

every clear 100 *l.* a year which you had. Then I put to him the question, "If the lease were for 21 years, what would be the loss?" he answered, that the loss would be 241 *l.* 2 *s.* 7 *d.* upon each 100 *l.* a year. Then I put to him, "If the lease were for 24 years, what would the loss be;" and he said it would be 238 *l.* 11 *s.* 5 *d.* I put 24 years, because that is rather an important term, inasmuch as Mr. Finlaison, in the evidence which he gave about the average terms that lessees had throughout the kingdom under the Church, stated 24 years as being the average term. Then by way of curiosity I just put the following query to Mr. Ansell at last, in reference to what I believed to be quite within the mark as to the value of house property held under the Church throughout the country. "Assume the average duration of leases for lives and years held under the Church throughout the country to be fairly represented by a term of 24 years, and that the average value of the fee-simple of house property held under the Church is 16⅔ years' purchase, and that the total value of the fee-simple of such house property amounts to 6,000,000 *l.*, being one-sixth of 36,000,000 *l.* estimated as the value of the fee-simple of the whole of the Church property in the kingdom; if the lessees should have the whole amount of their house property enfranchised by the second plan, what loss would they sustain?" The answer is, "If interest be computed at the rate of 4 per cent. per annum in estimating the reversions, the loss to the lessees on these assumptions would be about 858,858 *l.*; and computing interest at 4½ per cent., the loss would be about 604,349 *l.*" Therefore, if you were to go into the market, having enfranchised according to the terms which the Church Estates Commissioners propose, if the whole property were valued by this scheme, that would be the amount of the actual sum which would be given beyond what would be the sum for which you could sell the property.

3082. How do you consider that this mistake, as you state it, on the part of the surveyor of the Church Estates Commissioners was made?—He explains himself how the mistake arose; he says this, which appears in his evidence of the 14th of March, and Mr. Chaytor corroborated the same reasoning upon the last occasion; he says, "In your original calculation of the value of the fee-simple of a house in possession, you have taken into account all the contingencies attaching to that kind of property. You consider that it will want repair; tenants may run away, and not pay; it may be vacant; a fire may happen; insurances are necessary to keep it up, and so on. Then he says you have taken into calculation the whole of the risks of this property; and having taken into calculation the whole of the risks of this property, as regards the fee in possession, you have arrived at a certain conclusion in reference to the value of the property. For instance, take 100 *l.* a year. If you value the fee-simple in possession of the 100 *l.* a year now at 16⅔ years' purchase, the Ecclesiastical surveyor says that you admit in that species of calculation, from the small number of years' purchase, all the risks incident to that kind of property. In fact, it would be duly represented at 1,666 *l.* as the value of that house, having taken into consideration all the contingencies. Now, I quite agree with him, that at the starting point at present it would include the whole. But if you take this particular house, and put it on a 30 years' lease, I should like to know what are the contingencies of that house, being worth that sum of 1,666 *l.* at the end of 30 years. Why, the house 30 years hence may be a perfectly different thing from the house now. There are many contingencies attaching to that particular house. Suppose, for instance, that within a year or two before the reversioner came into possession, the house were burnt down, and the tenant were not a responsible man, and could not build it up, what would be then the position of the reversioner? Why, he would come into possession of this site of ground, and the *corpus* would have escaped them. There would be none of the 1,666 *l.* left. He would have to build the house, and to lay out the money upon it. Suppose, for instance, that the house were not well kept up by the lessee, and that it were necessary to bring an action for dilapidations against the lessee, everybody who holds house property (and I happen to hold a great deal of it in various parts) knows that if you go into a court of law for the purpose of getting the dilapidations of that house, the sum which you gain in a court of law would not be, perhaps, half what you would be obliged to lay out upon the house in the way of repairs for the incoming tenant; then that very much reduces it. Suppose, for instance, that any principal timbers of the house are defective, and the reversioner finds that there is a great outlay necessary in reference to it; or suppose a new parallel street is made (which is very likely in reference to the property which we

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hold), the value of the particular house would fall most unquestionably. Therefore the error is in supposing that, because 1,666 *l.* represents the value of the house now, it may represent it at the particular time of 30 years hence; it is a perfect fallacy; there is no such thing; there is no fixed point. If the house were made of a kind of material that was not perishable, and it would stand, then you might discount at 4 per cent., or at what per cent. you liked; but the fallacy of the thing is in supposing that, because you fairly calculate the value, considering the contingencies of a house in possession, therefore you are to take that as a particular fixed sum, which will represent the value 30 years hence, or at the end of the term, and to discount it. It was quite clear, from the extraordinary results of the calculations, that there was some very great blunder in the scheme; that is palpable to every one; and that is really the train of reasoning which has led to this blunder. They say that you calculate the risk twice over if you do what I say should be done. That is not the case. There is a positive risk attaching to the *corpus* at the end of the term. The thing happened to me very lately with reference to some property which I hold in Berners-street, with only seven years to run. What occurred? The former tenant died; his executors assigned it to some other person, which other person came into the house, but did not pay me any rent for two years, and I got him out with some difficulty. My solicitor received an application from a gentleman who had remarkably good references; he came into the house, and his *modus operandi* was, that he began to take off all the lead and everything in the house; to strip it; and I had to pay nearly 200 *l.* for that, having only about seven years to run. Now this is in reference to a seven years' lease. If I had not been a person who could pay the money, what would have been the condition of the reversioner on coming into possession of that property? His condition would have been this, that the house would have been left in a state of entire dilapidation, and he would have come into the possession of a property which he would, in fact, have had to rebuild.

3083. *Chairman.*] Supposing you had 1,000 houses of that description, would not the safety of one compensate for the loss upon another; and is not that whole risk taken into consideration in the 16 $\frac{2}{3}$ years' purchase?—The whole risk is taken into consideration in the 16 $\frac{2}{3}$ years' purchase of the property in possession. If you put these particular 1,000 houses on, you will find that, 30 years hence all the contingencies are amazingly increased. The lease is, as it were, the youth of the house; the reversion is the old age of the house; and although it is very true that if you were to take an average number of houses, of course those houses would not all share the fate of this particular house (there is no doubt about that, for, if so, nobody would ever buy house property), still the common sense of men and the experience of mankind have fixed a certain rate of interest to cover the contingencies, and having fixed a certain rate of interest to cover the contingencies, there is no doubt that 6 or 7 per cent. would cover those contingencies; it would cover the contingencies of the houses in possession; but when you come to the reversion, if you adopt this plan, which is a very bad plan to adopt, and quite opposite, as I understand, to what has been the ordinary plan of calculating reversions of house property, the only proper way of discounting is to discount at the same rate at which the fee-simple is calculated.

3084. Mr. *G. Butt.*] Which is 6 per cent.?—Yes. If you discount at 6 per cent., you deal with a perishable property, and you act justly to all parties. It is a similar blunder to that which was committed some time back with regard to lands; they thought fit, when they wanted to be purchasers of particular lands, to calculate the particular article as if the fee were only worth 20 years' purchase; and when they wanted to sell, they by some extraordinary legerdemain calculated the identical article at the rate of 30 years' purchase. The consequence was, that petitions were presented to Parliament complaining of this most extraordinary proceeding, and a Committee was appointed, and, after due consideration of the matter, they found out that the recommendations which had been made by the House of Lords had met the difficulty. Calculate the value of the fee at so much, and the value of the lease by the same tables, and deduct the one from the other, and you come to the right result. This is just a repetition, though rather more concealed, of the same kind of blunder; and the consequence is, that unless it is made right at once, there will be similar petitions and complaints, and probably another Commission to inquire into the circumstances.

3085. *Chairman.*] Supposing that a house property of 100 *l.* a year had been let for 40 years, and you wished immediately to complete the enfranchisement, what

what would be the value of the 40 years' lease, and what would be the value of the property at the end of the 40 years?—By my plan you would ascertain it in this way. You would calculate the market value of the fee-simple of the house as it stands, and you would calculate the value of the lease for 40 years at the same rate of interest as the value of the fee-simple. You would then subtract the value of the lease calculated upon the same table from the value of the fee-simple, and the difference between the two would be the sum which you would give for the enfranchisement. If you gave anything beyond, and went into the market, you would be a loser by it.

3086. Have you made a calculation of that?—I have not made the calculation of 40 years, but I have made the calculation of 30 years, and of 14, and of 21. The thing could easily be done at 40 years. If the principle is wrong, it goes wrong throughout.

3087. Mr. *G. Butt.*] It would be a mere matter of calculation; 40, or 25, or 15 years?—Yes.

3088. Mr. *E. Denison.*] Have you considered, in the event of enfranchisement, the relative rights of the lessees and the sub-lessees having a contract for renewal?—Yes. I hold property both as a lessee and as a sub-lessee, and when this Act, the 14th & 15th Victoria, chapter 104, was being passed, it was passed rather rapidly, and it struck me that in all probability they might overlook the particular interests of the sub-lessees. I accordingly wrote up from Edinburgh to suggest a particular clause, which was submitted to the Government and to the law officers, and they adopted the principle of that clause, which is the third section in the Act. I should perhaps just explain the nature of the covenants between myself and the sub-lessees, because this particular clause establishes the relative equities and rights between these different persons after enfranchisement upon the same footing as before enfranchisement. The nature of the covenants which exist in my leases to the sub-lessees is this, that I grant to a sub-lessee a lease, we will say for 70 years, determinable at the end of three lives, or with the surviving life. But then I covenant with them that whenever I get a renewal from the bishop I will include their particular property in the renewal, and that I will grant to them another sub-lease upon each renewal, whenever I get it, in perpetuity for ever at exactly the same rent that they pay me now, and paying me all the expenses according to the proportion of the tenure which they hold, and their several proportions of the fines which I pay to the bishop; so that, in fact, whenever I pay a fine, as I did in 1847, to the bishop, my tenants pay me back between them the whole fine that I pay to the bishop, and all the expenses; and then I grant to them a lease at precisely the same rent as that in the former lease. The fact is that my interest in it may be one-third of the amount of the sub-lessee's interest. What I let for 30 *l.*, he may make 100 *l.* upon, or anything of that kind. My rent is a perpetual rent; the sub-lessees pay me that rent, and whenever I get a renewal, I am bound always to grant to them new leases upon exactly the same terms, they paying the difference. Now it might seem rather hard that these sub-lessees should pay the whole amount of the fine to the bishop while I continue my particular rent; but when the matter is considered, it is not hard, for their rents are much below the value. They have received their consideration from the lowness of the rents which they pay, and therefore this perpetual rent which I receive is in fact the purchase-money for their particular interests. You may pay for any particular thing just as well by a sum down as you may pay by a particular rent which is to go on for ever; and therefore the character and interest of my property is this, that the sub-lessees are to pay me for ever a perpetual rent of the same amount, they paying all the expenses of the renewals, and so on.

3089. Then in the event of any considerable improvement having been made by a sub-lessee, is payment for that calculated in the fine, and is no change made in the permanent rent?—No change whatever is made in the permanent rent, whatever improvement the lessee may make; but the lessee pays a fine to the bishop, according to the improved value of his property. The bishop's fine is calculated upon the improved value; that fine the sub-lessees pay to me, or they pay me afterwards, I having paid the same to the bishop. I pay a fine upon 100 *l.* a year, receiving only my unimprovable and permanent rent of 30 *l.* a year, but they receive a new lease upon exactly the same rent.

3090. Then you obtain no benefit from any amount of improvement which may be made in the property?—Not at all; it is a permanent rent.

3091. Mr. *Walpole.*] It becomes a fixed rentcharge?—It is not exactly legally a rentcharge; it becomes a fixed rent.

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3092. Mr. *E. Denison.*] In the event of you, as lessee, purchasing the reversion in fee or enfranchising, are the rights of the sub-lessees adequately protected?—I conceive that the rights of the sub-lessees are adequately protected by this particular clause, which I will explain.

3093. Sir *J. Graham.*] Will you read the clause?—"The interest in lands acquired by any lessee under this Act shall be deemed in equity to be acquired in respect of his interest under his lease, and shall be subject to the same trusts, charges, and incumbrances as his lease, or any lease obtained on a renewal thereof, would have been subject to, so far as the different natures of the property will admit; and all covenants and agreements which would have entitled any sub-lessees or other to derivative interests upon renewals of such lease, upon contribution to the fines and other payments upon renewal or otherwise, shall give the like rights, so far as the nature of the property will admit, to proportionate shares and benefits out of and in respect of any interest in lands which may be acquired under this Act by the lessee, who may be subject to such covenants or agreements, upon a proportionate contribution to or in respect of the costs, payments, or consideration paid or given for the interest so acquired by such lessee." So that if instead of the system of perpetual renewals being granted, and fresh leases being granted, and the sub-lessees paying the proportions of their fines to the immediate lessee, the lessee purchases the reversion in fee; upon their paying their proportions of that reversion, they will be entitled to a perpetuity of their particular interests, subject to the payment of a permanent rent.

3094. Does the word "lands" extend to house property?—Yes, it extends to all property.

3095. Are there words which go the whole length?—Yes, the word "lands" is interpreted in the Interpretation Clause.

3096. Did you draw that clause which you have now read?—I suggested the same principle as that of the clause, but I had not seen the Bill; and then it was sent up to a friend of mine, who spoke to the Government about it, and it was referred to the Attorney-general, and he approved of the principle of the clause; and this is, in fact, the wording of the Attorney-general.

3097. Mr. *Walpole.*] Might not this doubt arise upon the clause. Supposing the lessee does not renew, would not the sub-lessees be injured by their interest being taken away?—Certainly, they would be injured; but then it is by express covenants. Whenever the original lessee is minded to renew, they are to have these derivative interests. I had better hand in the clauses in my lease touching that particular matter.

3098. There might be covenants in another lease different from yours, which would leave the lessee either the power or not of renewing; and in default of his renewing, the sub-lessee would have no remedy, as I understand?—No, certainly not.

3099. Mr. *G. Butt.*] He would be left to his covenant?—He would be left to his exact covenant. I should like to hand in these covenants, because they are the covenants which the sub-lessees have themselves entered into.

3100. Mr. *Walpole.*] In your case?—Yes, and in fact in the whole of this property which I represent. I take it that this is a particular case in which the sub-lessees have a contract to renew.

3101. Mr. *G. Butt.*] The question does not arise if they have not?—No. There is an especial covenant with the sub-lessees that they shall only be entitled to these rights in the event of the lessees actually renewing, because it could not be otherwise; he could not force the bishop to renew, but he would be sure to renew, because it would be clearly to his advantage to do it.

3102. Mr. *Ingham.*] If he did not renew he would lose his rentcharge, and if he did renew he would lose nothing?—Just so.

3103. Sir *W. Heathcote.*] The clause which you have read secures the sub-lessee's right, by a trust with his lessor, to the advantages of enfranchisement if the intermediate lessor enfranchises, as I understand?—Yes.

3104. But supposing the sub-lessee, being in fact the person particularly interested, desires to enfranchise, and the lessee of the bishop declines to enfranchise, has the sub-lessee any power of enfranchising under that clause?—The sub-lessee has no power whatever of enfranchising; there is no privity between him and the Church; the only privity is between the Church and the lessee; the sub-lessee depends upon his especial covenants with his own immediate landlord, and the object of this clause was to give him exactly the same rights as he had before. If the renewal took place, he was entitled to have a renewal upon precisely the same

same terms as before. If the enfranchisement takes place, he is entitled to have precisely the same extension of his interest upon paying his proportion of the enfranchisement.

3105. Therefore, though the bishop may be disposed to enfranchise, and the sub-lessee to accept that enfranchisement, the intermediate lessor of the sub-lessee, or the lessee of the bishop, may stop the whole proceeding?—But he would be sure not to do so, because he would lose his rent in perpetuity; he would be sure to renew; no man would give up his permanent rentcharge for ever by the loss of renewal, because the sub-lessee pays the whole.

3106. Mr. *G. Butt.*] I suppose you are not aware of any case in practice, or in the history of the law, in which such a contingency as that to which the honourable Baronet refers has occurred?—No. In fact, a man must be devoid of sense, he must be out of his senses not to enfranchise when he gains a permanent rent by so doing. This permanent rent is as it were the purchase-money, and if he does not enfranchise, he loses his permanent rent.

3107. Upon the law as it now stands, assuming that the lessee does not enfranchise, there is no power on the part of the sub-lessee to obtain the enfranchisement?—Certainly not. Before I leave this particular clause, I should say that it is very desirable, that in any Bill which is brought forward there should be an extension of this third clause. This clause is not full enough. The clause, as it now stands, makes the interest of the lessee acquired under this Act, that is, if he purchases the fee, subject to any incumbrances which would have attached to the new leases of the lessee in perpetuity if he acquired them; but it does not make the interest which the sub-lessee would acquire under the Act subject to the same incumbrances. There may be incumbrances of mortgage, for instance, not only upon the existing lease, but upon all future leases. Now this clause has made the extension of the term of the lessee subject to those incumbrances, but it has not made the extension of the interest of the sub-lessees likewise so subject, which it ought to do; because, if any mortgage of a sub-lessee's interest attaches to all the new sub-leases which he may have in perpetuity, it is quite right that, if he gets an extension at once by the enfranchisement, the mortgage should attach also to the extended interest so acquired. Therefore I have proposed (which, I think, is absolutely necessary, in order fairly to deal with the matter) a particular clause to remedy that defect.

3108. Mr. *E. Denison.*] As the clause stands, you think it too favourable to the sub-lessee?—I do not think that justice is done to the case. I will assume that the sub-lessees have particular incumbrances upon their existing sub-leases, and upon any future sub-leases. Now it is quite right that, if there are any incumbrances upon the former tenure upon the existing lease and future leases, if by this operation the sub-lessees obtain an extended interest (which they would do in perpetuity), that extended interest should be subject to the same charges and incumbrances as in the other case.

3109. What is your proposal?—This is the clause which I propose. "Any interest in lands acquired by any sub-lessee under the 3d section of 14 & 15 Victoria, chapter 104, shall be deemed in equity to be acquired in respect of his interest under his sub-lease, and shall be for ever thereafter subject (so far as the different natures of the property will admit) to the same trusts, charges, and incumbrances, and to the same or the like annual rent, and to the same or the like covenants as the estate or interest under his sub-lease, or any lease obtained upon a renewal thereof, would have been subject to if renewals continued to be granted." In the third clause of the Act there is a little kind of obscurity in this particular part in reference to the enfranchisement. It says, "shall give the like rights, so far as the nature of the property will admit, to proportionate shares and benefits out of and in respect of any interest in lands which may be acquired under this Act." Of course "the like rights" would be to take the perpetuity, subject to the rent; but in order to clear away any possible kind of doubt upon that subject, my proposed clause will also state the particular fact, that it is subject to the payment of the same rent. Then there is another part of the clause which would be very difficult in practical working, that is, "upon a proportionate contribution to or in respect of the costs, payments, or consideration paid or given for the interest so acquired by such lessee." Now, it does not particularly state when the contribution is to be paid. The contribution to the fine was to be paid to the immediate lessee before he paid the fine, so as to enable him to have funds to go to the bishop to pay it. In this particular case no particular time is specified for the contribution; and according to the covenants as to the renewals the payment

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would only be upon the death of a party, therefore there would be a great contest and confusion in the courts to know the particular time when the contribution should be paid. Now, I have introduced a clause to clear up that difficulty, and which would meet, in fact, the justice of the case.

3110. Mr. *G. Butt.*] What do you understand by that part of the third section, which you are now upon, which says, "Who may be subject to such covenants or agreements, upon a proportionate contribution to, or in respect of, the costs, payments, or consideration, paid or given for the interest so acquired by such lessee." I think you say that it is not defined when the proportionate payment is to be made?—That is my point.

3111. But is it not this; that under the clause as it stands, it is said that there shall be a proportionate contribution to the costs or consideration paid or given. Is not the true construction of those words, that when the costs are paid or the money handed over, then the right to the contribution under the latter part of that clause attaches?—I think that there is very considerable doubt about that construction, and I will state why I think so. This is all going upon the same principle as the payment, with reference to covenants of renewal; now the payment on covenants of renewal can only take place at the dropping of a particular life; and as it can only take place at that time, the party might say that there was no particular point determined, and he might go into a court of equity to have the particular interest granted. It might hang over you all your life, unless you specified the particular time; the particular time to specify is that the sub-lessees shall pay you when you pay the bishop; and if they do not pay you, the clause which I propose gives them six months more, and if they do not pay within six months more, then they forfeit their right; it would be much more satisfactory to have the thing specified.

3112. *Chairman.*] Will you now read your clause?—"Sub-lessees having derivative interests shall pay their proportionate contribution mentioned in the third section of the said first-recited Act on the same day as the lessee shall pay the purchase-money for the interest acquired by him under this Act, on having received notice in writing from the lessee at least six weeks previous thereto of the day of payment, and in default of payment by such sub-lessees of such contribution at the time aforesaid, they shall be allowed six months' further time to pay the same, together with interest at four per cent. from the day of the aforesaid payment by the lessee, and in default of such payment within such six months, the sub-lessees shall forfeit all further claim or right to proportionate shares and benefits out of or in respect of any interest in lands acquired under the above Act." I feel quite satisfied that in practically working this clause, unless you specified the particular time, there would be a great deal of contest about it, and a great deal to decide; and I am not at all sure that a person might not run the risk of a Chancery suit at any time of his life, unless this particular thing was specified.

3113. Mr. *E. Denison.*] Is not there this difficulty in the existing arrangements, that when the bishop's surveyor asks a fine, you, as lessee, have no interest in endeavouring to obtain favourable terms, because your sub-lessees are obliged to pay the terms, whatever they are?—I have this very material interest, that I have to pay the fine upon the whole improved rent, receiving only one-third: and if I made any ridiculous bargain, or paid more than the value, the sub-lessees would say, we will not take it, we will throw it upon you; and I should be the loser. That would be independent of one's feeling as a landlord; and as a landlord, one would have a desire to protect the interests of one's tenants. But if I paid anything exorbitant, they would leave me in the lurch.

3114. Mr. *G. Butt.*] Your 100 *l.* a year would not be secured?—No.

3115. Mr. *Ingham.*] Are they not under covenant to pay their proportion?—No, they can only do it if they require it; they have the option of paying their proportion of the fine and have a renewed lease, but it is a matter for them to consider. If I were to pay anything ridiculous, they would leave me the benefit of the bargain.

3116. *Chairman.*] They would refuse to take the renewal?—Yes, they would not pay the money.

3117. Mr. *G. Butt.*] They have the power of doing that?—Yes.

3118. Those are the usual covenants, I believe?—They are.

3119. Mr. *Ingham.*] Will you read again the latter part of the clause which you have just read?—"And in default of payment by such sub-lessees of such contribution at the time aforesaid, they shall be allowed six months' further time

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to pay the same, together with interest at four per cent., from the day of the aforesaid payment by the lessee, and in default of such payment within such six months, the sub-lessees shall forfeit all further claim or right to proportionate shares and benefits out of or in respect of any interest in lands acquired under the above Act."

3120. Still the sub-lessee would be entitled to hold during the duration of the subsisting lease?—Yes. I beg to hand in this clause, because I feel that it is quite essential to be introduced in any amended Act; and I hand in these covenants, showing, in respect of a very large amount of property, what are the covenants in the case of renewals.

3121. Mr. *G. Butt.*] Are there the sub-lessees' covenants?—Yes; there are the lessees' and the sub-lessees' covenants.

3122. Mr. *E. Denison.*] Do you think that the sub-lessees, having contracts of renewal, with the consent of the lessees and of the prior sub-lessees, the power of purchasing the enfranchisement should be given to them?—I think that that is a matter of very considerable difficulty. It is a most complicated tenure. The lessee in many cases grants a lease; he may have, as I have, the leasehold of a great number of houses; one grants a sub-lease to A., we will say; that sub-lease contains particular covenants, as I have explained before, as to being entitled to new leases. A. grants another sub-lease to B., and B. to C.; and there are a great series of those sort of things. Then, if those particular sub-lessees had the power of purchasing the fee, it would be a matter of very considerable difficulty to arrange the equities between the lessees and the sub-lessees. The great thing in altering the tenure is to keep the relative rights of parties as nearly as you possibly can. If the sub-lessees were permitted to purchase the fee, which would be a matter of favour to them if it were granted, because there is no privity between them and the Church; the only way in which it could be done, as I conceive, would be with the consent of the lessees; and there must also be particular clauses in the Act of Parliament, guarding the interest of the lessees, because these sub-lessees have to pay a perpetual rent; and if they are to purchase the fee, they would say, "We would rather not pay this continual rent; we have purchased the fee, and the matter is all ended." But that is clearly wrong. The lessee, in the third section, protects them if he purchases the fee. It is provided that they shall have their particular rights; and if the sub-lessee purchases the fee, the lessee must be equally protected; what would be the consequence; why, if you permitted the sub-lessee to purchase the fee, he must make the particular rents receivable by the lessee and all the prior lessees, rent-charges upon his particular property; for instance, suppose A. is the lessee, and he grants a sub-lease to B. at 25 *l.*, and B. grants a sub-lease to C. at 50 *l.*, and C. to D. at 75 *l.*, it is quite clear that A. has an interest to the extent of 25 *l.*; B., to the extent of 50 *l.*, minus, 25 *l.*, which comes to 25 *l.*; and that C. has an interest of 75 *l.*, minus 50 *l.*; they each have an interest of 25 *l.* Therefore, if the sub-lessee purchases the reversion in fee, you must make his particular purchase subject to the perpetual rent, say, of 75 *l.* Then you must apportion the particular clear rents receivable by all the prior lessees as rentcharges in priority upon that particular estate. It is a matter of very great complication. I have had a clause prepared, in the event of sub-lessees being permitted to purchase the reversion of the fee, so as to secure the due rights of those having prior interests; and the clause which I have had prepared has been framed exactly upon that plan, namely, that of being subject always upon each renewal to pay all the fines, and to pay exactly the same rentcharge; so that if they purchase the fee, instead of handing the money over to the original lessee, and the original lessee handing it to the bishop, they must make the fee which they purchase subject to the existing permanent rents; and if they make it subject to the existing permanent rents, that is a very complicated kind of thing; but it must be done. I beg to hand in this clause, which has that particular effect, in the event of the sub-lessees purchasing.

[*The Witness delivered in the same, which is as follows:*]

"And whereas it may happen that a sub-lessee may have entered into a covenant or contract with his immediate lessor (hereinafter referred to as a sub-lessee's contract for renewal), that on every occasion of such lessor's obtaining a renewed lease or underlease (as the case may be) of the lands comprised in his lease or underlease, such sub-lessee shall pay to his immediate lessor such proportion of the fine and expenses of renewal as the value of the lands comprised in his sub-lease shall bear to the whole value of the lands comprised in the renewed lease in respect of which the fine shall be payable, and shall accept a new

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sub-lease of the lands comprised in his sub-lease, at the same or the like rent, and subject to the same or the like covenants and provisions as is or are reserved and contained by and in his then for the time being subsisting sub-lease of the same lands: Be it further enacted, that any sub-lessee who shall have entered into, or shall be subject to a sub-lessee's contract for renewal, may, with the written consent of the immediate lessee, and of every sub-lessee (if any) for the time being, entitled to or interested in the same lands, under any lease or sub-lease, prior to the sub-lease under which such sub-lessee shall for the time being claim, purchase the reversion in fee or other estate or interest of the Ecclesiastical Corporation in the lands comprised in his sub-lessee, in the same manner as if he were the immediate lessee of the same lands under the Ecclesiastical Corporation: Provided always, that if any sub-lessee shall under this Act purchase the reversion in fee, or other estate or interest of the Ecclesiastical Corporation in the lands comprised in his sub-lease, then and in every such case such reversion in fee or other estate or interest which shall be so purchased, shall be deemed in equity to have been acquired in respect of his interest under his sub-lease, and shall be for ever thereafter (so far as the difference in the nature and tenure of the property will admit) subject to the same or the like annual rent (hereinafter referred to as "the said permanent annual rent"), and to the same or the like covenants, trusts, powers, declarations, charges, and provisions (except the covenant for renewal and for the payment of fines and expenses incident thereto), as the estate or interest for the time being subsisting under his sub-lease shall be subject to at the time of such purchase, yet so that if at the time of such purchase there shall be subsisting in the lands comprised in such purchase, one or more than one sub-lease prior to that of the sub-lessee who shall so purchase, then and in such case the said permanent annual rent shall be apportioned and payable to and amongst the immediate lessee and the prior sub-lessees of the lands comprised in such purchase, so and in such manner as that the immediate lessee shall be entitled to such portion thereof as shall equal the amount of the rent reserved by the sub-lease granted by such immediate lessee, or shall (as the case may be) equal such proportion of such rent as the value of the lands comprised in such purchase shall bear to the value of the whole lands comprised in the sub-lease granted by such immediate lessee, and every such prior sub-lessee shall be entitled to such portion of the said permanent annual rent as shall equal the amount by which the rent reserved by the sub-lease granted by him, or (as the case may be) such proportion thereof as the value of the lands comprised in such purchase for the time being bears to the value of the whole lands comprised in such sub-lease shall exceed the rent reserved by the sub-lease granted to him by his immediate lessor, or such proportion thereof, as the value of the lands comprised in such purchase for the time being bears to the value of the whole lands comprised in such last-mentioned sub-lease; and every such apportioned share of the said permanent annual rent shall for ever thereafter go in the same or the like course of devolution, and shall be subject to the same or the like trusts, powers, declarations, charges, and provisions, as if the same were the subsisting rent reserved by the sub-lease granted by the immediate lessee, or (as the case may be) the sub-lessee who shall so become entitled thereto as aforesaid, and shall be thenceforth charged upon the reversion or other estate or interest so purchased, and be recoverable from the owner for the time being of such reversion, estate, or interest, in such manner as if the same were rent charged in lieu of tithes duty charged upon the lands comprised in such reversion, estate, or interest, under the provisions of the Act for the Commutation of Tithes in England and Wales, yet so that the apportioned share of the said permanent annual rent to which any such immediate lessee shall so become entitled as aforesaid, shall be payable and recoverable in priority to every other share of the same annual rent, and that the apportioned share of the said permanent annual rent to which each sub-lessee shall so become entitled as aforesaid, shall be payable and recoverable in priority to the apportioned share thereof to which his immediate sub-lessee shall have so become entitled as aforesaid, and so that neither such immediate lessee nor any such sub-lessee (other than and except the sub-lessee who shall purchase such reversion as aforesaid), his, her, or their heirs, executors, administrators, or assigns, shall be personally liable to any person or persons whomsoever for the payment of any apportioned share of the said permanent annual rent, or any part or parts thereof respectively.

3123. Mr. *G. Butt.*] Is it your opinion that it would be advisable to alter the relation between the Church and its lessees, so as to give the sub-lessees the power of enfranchising?—I think it would be the source of endless perplexity. There is one person, we will say, who has a lease from the Church; he lets the property perhaps to 50 sub-lessees; those 50 sub-lessees let it to 50 other sub-lessees; so it goes on. The consequence is this; supposing any particular incumbrances were to be placed over the interest of the first lessee, and the sub-lessees were to buy the particular fee subject to the payment of these fixed rents, what an endless perplexity it would occasion with reference to apportioning the particular interests. Supposing a mortgage in the first place has been created over the estate by the first lessee, and these different sub-lessees are to enfranchise, how can you apportion the liability of perhaps 50 different sub-lessees in reference to the mortgage? Complicate the thing a little more, and suppose the second series of sub-lessees have mortgaged to a third, I take it that the whole acumen of the Bench and of the Bar could not frame covenants so as to secure the relative interests of those parties. There may be simple cases in which it may be done.

3124. There are also cases of bankruptcy and insolvency, and a variety of circumstances?—Exactly; it would be so complicated a thing that it would throw the whole matter, in my opinion, into the most perfect confusion, except in very simple cases.

3125. Sir *J. Graham.*] You are yourself a sub-lessee as well as a lessee?—I am. Speaking as a sub-lessee, unless a particular clause were introduced to secure to my immediate landlord the rent I had to give him if I had the power to enfranchise, both these particular leases, I should buy the estate, and say to my lessor, it is very true I was bound to pay you 655 *l.* a year during my lease, and I was also bound to pay you 655 *l.* upon each new lease which you granted, and to pay you all the costs and all the fines which you paid to the bishop, but now I have just stepped in and bought the fee, and as there are no particular clauses in reference to the fee, I beg not to pay you any more. Of course, that would be defrauding my immediate landlord. I am as much bound to pay him the 655 *l.* for ever upon having a new lease as can be. Therefore, there must be a clause to enable me to purchase the reversion, subject to the particular payment.

3126. Sir *W. Heathcote.*] But why should you be bound to pay for ever that supposed sum, seeing that your fine would be diminished by that sum if it were enfranchised by the Church?—The reason is this, that I have entered into a covenant with my immediate lessor that upon each occasion of his renewing his lease I will accept from him a lease at exactly the same rent of 655 *l.*, and that I will pay to him the whole amount of fine which he pays to the bishop. Therefore, if the renewals went on for ever, I should have to supply all the fines for the renewals, and have to pay also the same rent. The reason why I should have to pay the same rent is, that that rent is a very small sum in reference to the value of the property. I pay him 655 *l.* for what I receive 2,000 *l.* a year for; therefore, I pay him a small sum, and that 655 *l.* in perpetuity is positively the purchase-money at which I have obtained my interest.

3127. But on the assumption of the enfranchisement, you would have paid the value for it in money down?—The question now is the enfranchisement of the sub-lessee of the bishop. If instead of my immediate lessor purchasing the enfranchisement of the bishop, I, the sub-lessee, am to purchase the enfranchisement of the bishop. I must remain subject to the same covenants; it is of no consequence whether I pay the sum to my lessor or to the bishop.

3128. Mr. *Ingham.*] The payment of purchase-money for the enfranchisement is like paying the fines in the aggregate, instead of periodically?—Exactly.

3129. Mr. *G. Butt.*] You have considered, with reference to the supposed power to be given to sub-lessees, to enfranchise by your clause the relation only between the sub-lessee and the lessee. Take the case which you have put, of very many sub-lessees, which we know is the practice through the country; there may be eight or ten sub-leases; and in case they had the power to enfranchise, would not it impose great difficulty on the part of the Church Commissioners in carrying out the enfranchisement?—That would be one of the difficulties, no doubt, in reference to the enfranchisement of the sub-lessees; it would complicate the difficulties from the extent of the series. The clauses which I have introduced would apportion the relative rents payable to each of the different sub-lessees, but it would be a matter of very great difficulty. For instance, I believe in the property that Messrs. Pott and my family hold there may be 1,600 houses. If they were to go to all the different parties who hold sub-leases in that particular estate it certainly would be a very famous business for surveyors who had to value the particular interests of these numerous parties, and for solicitors who had to make the deeds of conveyance; there would be a vast deal of expense and business in that way; but it would be a matter of extreme disadvantage, both in reference to the expenses of the Church and the expenses of the lessees. In fact, I think it would be an utterly impracticable thing in most cases. There may be some simple cases in which the thing might be done with the consent of the particular lessee.

3130. Mr. *Walpole.*] Would it not be rather a strong thing to alter the relations between the Church and its own tenants by Act of Parliament?—I think it would.

3131. The only way in which you could deal with that subject would be to leave the lessees and their sub-lessees to arrange together the mode in which the enfranchisement should take place?—Exactly.

3132. Mr. *G. Butt.*] That is the law now?—Yes. There is one particular document which I have omitted, which is a calculation under the second plan of enfranchisement, of the actual loss which myself and my brother-in law, and

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Mr. Pott would sustain, we holding leases for lives. Mr. Ansell has made his calculation. The questions are these; first, applying the principles of the second plan of enfranchisement to a lease held on three lives, and the surviving life, the ages being 26, 63, and 69 (those are the ages of the lives in my leases), what would be the amount of loss which I should sustain in one lease which is upon a rental of 17,000*l.* a year if the fee-simple of the estate be assumed as worth 16⅔ years' purchase. He makes that loss to be, at 4 per cent., 11,576*l.* Then he makes the loss upon another lease which I hold, the lives being 43, 56, and 56, with a rental of 3,000*l.* a year, 5,811*l.*; and he makes the loss to Mr. Pott, whose rental is 15,000*l.* upon lives aged 53, 61, and 63, 30,126*l.*; that is to say, if after we had got the enfranchisement by this plan, we sold the property, we should lose according to this plan about 46,000*l.* We should lose more, in fact, because the purchase-money would not be at the rate of 16⅔ years; but I believe it would be at 7 per cent., which would be about 14 years only, and I dare say we should lose probably 60,000*l.*

3133. Mr. *Walpole.*] I suppose the word "loss," which you have inserted throughout that statement, might be turned into the word "gain," as respects the Church, might it not?—I suppose so; excepting that I should never make the purchase. I should throw up the whole scheme of enfranchisement; I am not so attached to the property in the borough as to make it a fancy sort of thing.

3134. *Chairman.*] I observe that, before Lord Harrowby's Commission, you stated, as you have stated here to-day, "I think the substitution of a rent-charge for a gross sum very important as relates to the Church, because in that case you would have a regular constant annual income, which the Church would derive;" you also stated, that if the plan were adopted, the see of Winchester would come into the receipt of between 2,000*l.* and 3,000*l.* a year?—I think so.

3135. Supposing the plan now adopted by the Commission to be on the principle of receiving large sums for enfranchisement, and laying out those large sums in improvable property, would not your plan give them a fixed rent-charge, which would never increase, and thereby be detrimental?—My plan is merely by way of assisting the lessee. I do not say that he is not to pay the purchase-money; but if he cannot, I then say, let a certain proportion of it, not exceeding one-fourth, be a rent-charge redeemable when he can pay. I merely throw it out as a suggestion to facilitate the enfranchisement. But what your Lordship says is quite true, that if it were a fixed rent-charge which the Church were to receive, it would be quite unimprovable.

3136. It would be the change of an improvable property for one which was unimprovable?—It certainly would.

3137. Mr. *E. Denison.*] In reference to a question which I asked you a little while ago, you stated that the sub-lessee had the power of declining in the event of his lessor having appeared to give too much for the renewal; but one of your leases has been put into my hand, which says that the lessee shall and will accept such new lease, and execute a counterpart thereof, and that he shall be bound to pay all the expenses?—Yes. The way in which that is explained is this: I have paid a certain sum of money to the bishop. If the sub-lessee wishes to take the benefit of this renewal, he has to come to me and pay the money; that is, a previous part. I have a copy of one of my leases. They are all made upon the same plan. The consequence is, that if he does not pay the money, he forfeits the new lease.

3138. You said that he had the option of doing so?—Yes; he has merely not to pay me the proportion of the fine which I pay to the bishop, and he is not entitled to any new lease.

3139. But he is bound, as it appears here, to do that?—He is bound previously to having a lease to do it; but supposing he does not do it, there is no new lease.

3140. Mr. *Wilkinson,*] May not he have improved the property very much himself?—Yes.

3141. And if you gave what he thought extravagant terms, he would have no remedy?—If I gave what he thought extravagant terms, of course I should be left in the lurch, having done a thing which would fall upon myself.

3142. Mr. *E. Denison.*] But it is rather he would be left in the lurch, is it not, because the sub-lessee has very much improved the property. Then, the question which I asked you was, whether there was any real interest in the first lessee to make good terms. You said that it was a perfect protection to the sub-lessee that he might decline taking his lease?—So he may decline taking a new lease.

3143. Surely

3143. Surely that is no protection, because if he has laid out a great deal of money, so that his interests are very large, what he expects is, that he shall have his renewal upon fair terms; but if the terms are not fair, it is no compensation to him to say, "Give up your property, now you have laid out so much"?—No. But then we must look at the covenant which he has entered into; he is bound by his especial covenant, and the covenant is in these terms: "And it is mutually and reciprocally covenanted and agreed by and between all the said parties hereto, for themselves severally and respectively, and for their several and respective heirs, executors, and administrators, that whenever the said William Paynter, his heirs or assigns, shall at any time or times hereafter, within the space of 61 years, to be computed from the said 14th day of June now last past, be minded or desirous to renew either his or their existing lease, or any future or renewed lease to be granted to him or them by the said Charles Richard, Lord Bishop of Winchester, or his successors, of the premises demised by the said indenture of the 14th day of June now last past, or any part thereof, or to be demised in any future or renewed lease, to be granted, either by adding or exchanging one or more life or lives to or in the room of the present or future *cestui que vies* of such lease, or any of them, he, the said William Paynter, or his heirs or assigns, shall and will comprise in every such renewal, all and singular the premises hereby leased, and then and so often as the same shall happen, the said William Jones, John Brumell, and George Tayler (those are my tenants), their executors, administrators, or assigns, shall and will, upon payment or tender to them or any or either of them, of the sum of 10*s.*, surrender their then subsisting lease of the premises hereby leased unto the said William Paynter, his heirs and assigns; and thereupon the said William Paynter, his heirs and assigns, shall and will, as soon as may be, after every such renewed lease shall be executed to him the said William Paynter, his heirs or assigns, by the said Lord Bishop, or his successors as aforesaid, execute and give to the said William Jones, John Brumell, and George Tayler, their executors, administrators, and assigns, a new lease of all and singular the premises hereby leased for a further term of 61 years, commencing from the date of such renewed lease, and determinable upon the death of the last surviving *cestui que vie* in the lease from the said Lord Bishop of Winchester, or his successors, unto the said William Paynter, his heirs and assigns; and the said William Jones, John Brumell, and George Tayler, their executors, administrators, and assigns, shall and will accept such new lease, and execute a counterpart thereof; and every such renewed lease shall be at the same rent, and contain the same covenants and agreements (including one to this present effect) as are reserved by and contained in these presents; and on every such renewal the said William Jones, John Brumell, and George Tayler, their executors, administrators, and assigns, or some or one of them, shall provide and pay unto the said William Paynter, his heirs and assigns, the expenses attending the preparing and executing of the lease to be granted to them the said William Jones, John Brumell, and George Tayler, their executors, administrators, or assigns, and of the counterpart thereof and of the plans to be annexed thereto respectively, and also such a proportion of the fine and fees demanded by the said Lord Bishop of Winchester, or his successors, and his or their secretary for the time being, which the said William Paynter, his heirs or assigns, shall be required or called upon to pay by the said Lord Bishop of Winchester, or his successors, or his or their secretary for the time being, on such renewal of the said lease of the 14th day of June now last past, hereinbefore mentioned or referred to, or in any future or renewed lease to be granted, and also of the charges for surveys, plans, leases, costs, and expenses whatsoever, attending the renewal of the lease from the said Lord Bishop and his successors to the said William Paynter, his heirs or assigns, as the annual value of the premises hereby leased shall bear to the annual value of all the premises comprised or to be comprised in such renewed lease to be granted to the said William Paynter, his heirs or assigns; such annual value to be ascertained and settled by the valuation made on behalf of the said Lord Bishop and his successors by his or their surveyor for the time being; but in default of any new survey at the time of such renewal, then the annual value aforesaid, to be decided according to the last preceding valuation made on behalf of the then Lord Bishop of Winchester or his predecessors upon or in contemplation of a renewal. And the said William Jones, John Brumell, and George Tayler do and each and every of them doth hereby for themselves and himself, their and his heirs, executors, administrators and assigns, covenant and agree with the said William Paynter, his heirs and assigns, that they, the said William Jones, John Brumell, and George Tayler, their executors, administrators or assigns, or some or one of them, shall and will, in order to

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furnish funds to the said William Paynter, his heirs or assigns, to meet such renewals, pay or cause to be paid such portion of the said fines, fees, and expenses as can be then ascertained within one calendar month next after notice shall be given to the said William Jones, John Brumell, and George Tayler, their executors, administrators and assigns, or any or either of them, or left at their or his usual places or place of abode, apprising them or him that the said William Paynter, his heirs or assigns, means or intends, or is or are called upon to pay the fine, fees and expenses attending such renewal (within six weeks after which notice the said William Paynter, for himself, his heirs, executors and administrators, hereby covenants to pay such fine, fees and expenses accordingly), the non-payment of the same to him or them, the deaths of parties, and other inevitable accidents only excepted. And the said William Jones, John Brumell, and George Tayler, and each and every of them, doth hereby for themselves and himself, their and his heirs, executors, administrators and assigns, further covenant and declare with and to the said William Paynter, his heirs and assigns, that they, the said William Jones, John Brumell, and George Taylor, their executors, administrators or assigns, or some or one of them, shall and will pay or cause to be paid unto the said William Paynter, his heirs and assigns, the residue of such fine, fees and expenses at the time of executing the renewed lease to them in pursuance of this covenant." Therefore it is on the sub-lessee paying the proportion of the fine that he is entitled to the particular lease. There is no doubt, that if I were minded not to renew, he could not compel me to renew; I could not compel the bishop; but whenever I do renew, I am bound to include the sub-lessee's particular lease. With regard to the terms that I make with the bishop, there is no doubt that the tenants are at my mercy with reference to the terms; but the protection is this, that if I made any ridiculous and monstrous terms, they would leave me the benefit of the bad bargain. What I have read is the nature of the covenants which they have entered into. We are not remodelling their covenants, that is, the actual covenant which they have made.

3144. Mr. *Wilkinson.*] I thought you were asked what remedy the tenant would have in case you made any improvident bargain with the bishop, to which your answer was, that the sub-lessee would have the power of giving up his lease, and leaving it upon your hands?—You misunderstood me. I did not say that he would have the power of giving up the lease; he has a right to his existing lease, but he has no right to any further lease.

3145. He would give up his right to renew?—Yes.

3146. Supposing a tenant had a lease of 100 *l.* a year, and supposing he had improved the property to make it worth 200 *l.* a year, of course when the time for renewal came, the bishop would impose a fine in proportion to that improved value of 200 *l.* a year?—Certainly.

3147. Supposing you proposed to give the bishop a fine equal to 300 *l.* a year, what remedy would the sub-lessee have in that case?—With regard to that case, I certainly might do such a thing, and I should injure the tenant, but I should also injure myself, because, if I gave 300 *l.* a year for what was only worth 200 *l.*, when the reversion came I should be 100 *l.* a year out of pocket myself.

3148. Mr. *E. Denison.*] There is no object in your doing wrong?—There is no object in my doing wrong; if I gave more than the thing was worth to my tenant, I should suffer precisely in the same way as my tenant would himself.

3149. Sir *J. Graham.*] Where the premises have been improved, and you are about to negotiate with the bishop for a renewal, do you communicate with your sub-lessee as to the fine which should be paid?—I should certainly do so. I renewed in 1847, and I had a very long correspondence with the bishop to get as good terms as I possibly could for the tenants. I paid the fine; the fine was calculated according to the 7 per cent. table. And the tenants have all entered into leases containing precisely the same covenants, or the greater part of them, as in this case (except as to a little property I hold which is let by me at the full rent), and they have paid me the particular fine which I have paid. If I had paid more than was fit, I should have injured the tenants decidedly, but I should have injured myself also.

3150. Has it not occurred that your sub-tenants have thought the fine paid by you to the bishop too large?—That I think a very common estimate of parties who have to pay any money at all. No doubt some of the tenants seemed to think that the number of years purchase was more than they liked. I believe that the thing was a very fair and very proper kind of estimate, and that the bishop had to about

about the value of what he ought to have; but to expect that 60 or 70 tenants will all be exactly pleased is going rather too far.

3151. If 10 per cent. has been added to the value, and you make an arrangement with the bishop for your fine, including that 10 per cent., and the tenants think that they are injured by the extent of that fine, under your lease they have no remedy, but running out the remainder of their term, or paying you what they think exorbitant?—They have no remedy; but there is this protection, that if I pay what is exorbitant, the injury comes to me, instead of to my tenant. I buy the reversion at the end of his lease, and if I buy that reversion at an over value, to the full extent of that over value I am a sufferer.

3152. Till the term has expired you have no interest?—Till the term has expired I have no interest.

3153. At the expiration of the term you have purchased the reversion?—Yes; and if I have purchased the reversion at more than it is worth, I am a loser to the extent of that sum just in the same way that the tenants, if they were the parties, would be the losers if they paid too much.

3154. But the tenant has been at the outlay?—No doubt.

3155. He at the expiration of his term, not repaying you for the renewal, loses that outlay, and the advantage of that outlay accrues to you, the reversioner, at his expense?—No. This is the distinction. I pay on the renewal upon the full value of his outlay. The bishop takes his fine upon the whole value of all the improvements. He takes the annual value according to the property as it is improved by the tenant. I do not receive one-third of what the rent is, but I pay upon, perhaps, three times the amount of my own rent, and then it places me in this position, that if I pay too much, I buy simply the reversion of a property at above what is the value of the reversion. The tenants certainly are badly off, and suffer in consequence, but I must be a very foolish person to give more for the reversion than the reversion is actually worth, because I lose to the whole extent of it.

3156. Suppose that 10 per cent. has been added to the value of the premises, and that you have concluded a bargain with the bishop to the extent of 7½ per cent., you have the benefit of the 2½ per. cent. in the reversion at the expiration of the term at the cost of your tenant?—That is very true, but then the sub-lessee has entered into these express covenants that such a thing will be done. There is no doubt that injury might be done in that way, but it is exactly according to the covenant.

3157. Mr. *Ingham.*] How would the case of a sub-lessee who has improved, and who is compelled according to your view to pay an over price for the benefit of renewal, differ from the position of an improving lessee, because he could then only let his lease run out if the bishop asked extravagant terms?—Just so. If the lessee were the party laying out the money, of course his position would be exactly the same if the lease were run out.

3158. Your over-payment is, of course, measured by the exaction of the bishop's officers; what you paid would not be more than the bishop's officers asked you?—No.

3159. If the sub-lessee were the actual lessee, and had all your rights, he would be just in the same situation; he must either confine himself for repayment of his outlay to the pending lease, or consent to the extravagant terms asked by the bishop?—Yes. I take it that the loss would be identically the same both to me and to the sub-lessee, except with regard to the proportion which Sir James Graham has mentioned. I am not sure that I understood Sir James quite correctly.

3160. Sir *J. Graham.*] The case which I suppose is this: your sub-tenant has improved the property to the extent of 10 per cent.; the bishop and you come to an agreement to renew, estimating the improved value at only 7½ per cent.; your tenant demurs to that agreement, and it is open to him not to pay you the sum of 7½ per cent. which you have contracted to give the bishop; his only remedy is to run out his lease, and at the expiration of his lease you, for 7½ per cent., have purchased the value of an improvement of 10 per cent.?—No, that would not be the result, because the calculation of the fine to the bishop is always upon the full rent. Whatever the improvement is, to the very top of that improvement the bishop makes his calculation; therefore the calculation of the fine of the bishop would be, in the case supposed, according to the 10 per cent. If he calculated at 7½ per cent., that would be below the actual value, and to that extent it would be a benefit to the sub-lessee.

3161. Is it not open to the bishop to take less than the full improved value by a compact with you?—It is quite open to him to take less; but by the sum which

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he takes less the sub-lessee is benefited. The value upon which the fine is always made is the improved value of the property. The improved value of the property, by the question which you have put, is 10 per cent.; therefore, if the bishop calculates his fine upon the 10 per cent., the sub-lessee is justly dealt with. It is the mode in which the thing is done; he always does that.

3162. But the sub-lessee thinks that you have made a bad bargain with the bishop in paying 7½ per cent.?—He is the gainer of 2½ per cent. upon the transaction. All renewals are made upon the full value of the property, and the bishop, in my case, always valued to the full extent of the improved value; he took the actual rent as it then was. He would calculate upon the 10 per cent., and the sub-lessee would not be at all injured. If he calculated beyond the 10 per cent., and put it on to 12 per cent. or 14 per cent., then the injury would arise, but then I should be a sufferer too.

3163. Mr. *Walpole.*] There I do not follow you; I do not see where you would be a sufferer in that case. Supposing 10 per cent. is added to the value of the property, you take a fixed rent out of that property, never varying, whatever number of leases it may be followed up by?—No doubt.

3164. You have, therefore, no interest in checking the fine which is to be paid, because, whatever that fine may be, you receive, under all circumstances, the same identical rent?—If they continue to renew.

3165. Whether they renew or not, you still receive the same identical rent yourself?—No. I only receive the same identical rent during the existing lease. If they renew, then I receive the same rent; but if they do not renew, I receive the whole rent.

3166. Then it would be a still greater hardship to the sub-lessee?—I do not quite apprehend you.

3167. I will suppose that 10 per cent. is added to the value of the property, and I will suppose that the bishop asks a fine calculated upon an additional value put upon the property of 12 per cent., instead of 10; if the person to pay the fine was the person who had to make the arrangement with the bishop as to the fine to be paid, he would demur to paying a fine calculated upon the additional 2 per cent. over and above the value?—Certainly.

3168. You are the person who settles with the bishop the fine which is to be paid, you recovering the amount of the fine from your sub-lessee, and not in effect having to pay it yourself; is not that so?—Quite so.

3169. Then suppose you agree with the bishop that the bishop shall receive a fine calculated at the value of 12 per cent. additional, instead of 10 per cent. in addition to the value of the property, the tenant by his covenant being bound to accept a lease which you tender to him after you have renewed the lease, he would take the property, having to pay a fine at 2 per cent. more than the value, and more than he thinks the value to be, would he not?—He would, if he did it.

3170. If he refuses to do it, he loses all the outlay he has made upon his property, and loses the property altogether, does not he?—No doubt he does.

3171. Then the tenant has no security himself, or by any act of his by means of which he can check that value put upon the fine; so that he may either be deprived of the whole of his property, or he may have to pay a greater fine than the value of the property would justify?—He has this great practical remedy, that you must recollect that you are buying a reversion.

3172. Who is buying a reversion?—Anybody who obtains a renewal.

3173. The lessee?—Yes. If I place myself in the position of buying a reversion, calculated at 2 per cent. above the actual value of the property, I, who buy the reversion, if the tenant says, "I will not give any such thing as that," lose the value of 2 per cent. myself, and that is the practical remedy. I buy the reversion, and if I do not make a proper bargain according to proper terms, I hold the estate, it is true, but then I hold it at a very great disadvantage, having given more for it than the estate will pay me, and I also lose my permanent rent, as the tenant does not take a new lease.

3174. Marquis of *Blandford.*] But your tenant has paid for it, has he not?—No.

3175. In following out the case which Mr. Walpole supposes, 12 per cent. has been given for the renewal, instead of 10 per cent.?—Exactly.

3176. But you, having paid 12 per cent., have recovered that from your sub-lessee?—But my sub-lessee has a right to say to me, "I will not give you any such money."

3177. Mr. *Walpole.*] Then he loses his property?—No doubt.

3178. *Chairman.*] But, supposing the sub-lessee to allow the lease to run out, when

when you come into possession of that property, you, having paid 12 per cent. are a loser, from having given an extravagant price?—Of course I am; and that is the practical check.

3179. Therefore you would not enter into so foolish a bargain?—No; my interest is identical with that of the sub-lessee.

3180. Mr. *E. Denison.*] Is it not the fact that the present state of that property of the Bishop of Winchester, in Southwark, is very satisfactory?—Very unsatisfactory from all these discussions; it is a most desirable thing that the matter should be settled, and that some definite plan should be made in reference to it.

3181. Here is an important part of the metropolis left in a very dilapidated and unsatisfactory condition, is it not?—I think that it is so.

3182. What do you consider would be the course most likely to put that property into an improvable state?—All these matters are conjectural. I think, generally speaking, that if a certain tenure for a length of time were given to particular tenants, they would have an inducement, in time, to improve the property. When property is built over, it is a very lengthy process very much to improve it. It does not answer to pull down houses; different people are carrying on their trades; they have their livelihoods to procure, and they make their arrangements, and everything of that kind; but still, I think, in the process of time, by the outlay of capital, it is to be expected that the property would improve; that would be by the improvement of the parties who had an extended tenure; the outlay would be by them. I should mention one thing, which I do think is a very great hardship, in the event of this enfranchisement not taking place. It is quite right to have an enabling Bill to permit parties to enfranchise, and to leave them to themselves to see how it goes on working, but it is a very great hardship in the event of anything unreasonable being asked for enfranchisement to put the lessees in this position. You have either to let your leases run out, or to give exorbitant terms for enfranchisement. Now I think that the strict justice of the case would be this: if you make an enabling Act to enable persons to enfranchise, it being a voluntary kind of thing, the strictly just alternative is, if the parties do not enfranchise, to leave the tenure as it was; but still policy may step in, in reference to that; the policy would be this, that especially with regard to persons who have the right now, bishops and so on, who derive great profits from the fines personally when they fall in, unless some check were given to that particular thing, you would rather diminish the chance of enfranchisement taking place. But although that is the case, looking at this as a tenure which has been created by Parliament, and Parliament being the party now to come in to alter the tenure and to vary it, I think, that if extravagant terms should be asked, or if the enfranchisement should not take place, you ought to commute the particular interest of the lessees into an extended term of years, such as 60 years. It is a suggestion which was made, I think, in the second reports of Lord Harrowby's Commission, that it should be extended to a long term of years. Now, very large sums have been laid out upon this particular property; the large sums have not been laid out by the Church at all; they have been laid out either by the lessees or by the sub-lessees; the Church calculates its particular advantages from the improved rent in consequence of the outlay of others, the outlay of the tenants. If Parliament thinks fit to alter the particular tenure all at once, some consideration surely is due to the people who have been going on under this tenure, and who have laid out these particular large sums of money. Therefore I cannot help thinking that it is a very desirable proceeding, especially with regard to house property, where large sums have been laid out, to commute the existing tenure into a tenure, we will say, for 60 years, because that does not so entirely disarrange the particular nature of the agreements between the relative parties; it gives a further time for the thing, and the lessee might be able to do it, paying for the extension according to the particular rate at which the fee-simple is valued. I do not mean to say that that comes up to the justice of the case; I think the justice of the case strictly is this, that as it is merely an enabling Act, if the enfranchisement is not effected, you should go on with the renewals, upon the faith of which the money has been laid out, and strict justice would require you to do that; but still it would be a very difficult thing to go on doing that.

3183. Sir *J. Graham.*] Do I rightly understand you to have given the measure of the fee-simple value of the matter in dispute, in reference to household property under the Church, when you said that you estimated the difference between

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your calculation and the calculation put upon this property by the Ecclesiastical Commissioners at a sum, according to the varying tables, not exceeding 800,000 *l.*, and not less than 600,000 *l.*?—Exactly.

3184. Therefore the matter which we are now considering with regard to household property, as affecting the value of Church property, is no less than from 600,000 *l.* to 800,000 *l.*?—Exactly; I base that upon a kind of hypothesis, that the value of the house property of the Church is 6,000,000 *l.* I take that from Mr. Spring Rice's Bill, making some addition; and I assume from the kind of evidence which came forward then, that that is rather a small estimate.

3185. Mr. *Ingham.*] Is that the value to the Church, beyond the tenants' interest?—The 6,000,000 *l.* is the value of the whole fee-simple.

3186. Therefore, in estimating the gain to the Church at 800,000 *l.*, it is estimating 800,000 *l.* in addition to 3,000,000 *l.*, or something of that kind?—The 800,000 *l.* would be the overcharge paid by the lessees of the Church, assuming the property to be worth 6,000,000 *l.*; it would be the overcharge paid above the market value of that property.

3187. It would be something like 33 per cent. over?—I cannot say the exact per centage.

3188. Sir *J. Graham.*] The enfranchisement being voluntary, and not compulsory, it would be worth what it would fetch?—Yes.

3189. Does it appear to be the case that there is no enfranchisement of household property upon the terms offered by the Church?—I do not know whether it is so or not, but I should say, that if it is enfranchised upon those terms, it is high time to stop such a system of exorbitant charge.

3190. Mr. *Walpole.*] But if you should find thathouse hold property had been enfranchised upon those terms, supposing the value of the property be the price it will fetch in the market, does it necessarily follow that those terms are exorbitant?—The terms are mathematically and arithmetically proved to be exorbitant.

3191. Supposing it is ascertained as a matter of fact, that household property of this description is actually enfranchised upon the terms upon which the Ecclesiastical Commissioners propose to enfranchise it, is it reasonable to say that the sum paid is exorbitant, when it is no more than the sum which is fetched, according to that supposition, in the market?—I should say that the tenants who bought could not have understood what they had to buy.

3192. But do not people who buy generally look into their own interests?—There are particular reasons; a person carrying on a particular trade may give more for a particular property on that account; there may be certain persons in particular localities to whom the keeping in the locality is of much greater value than the house, but when you make a general principle, you should make a just general principle.

3193. Then you would suppose that in those cases where a property had been enfranchised upon those terms, there was probably some special reason which induced the holders of the property to accept the enfranchisement in that form?—Yes, if the lessees were men of ordinary intelligence.

3194. *Chairman.*] Might not the Bishop of Winchester, when he became Bishop of Winchester in 1827, he being then a young man, have refused to renew or to accept fines, and according to the legal rights of the Church, reckoning the time which has elapsed, would he not have obtained much better terms if he had refused to renew any leases for 20 or 25 years?—There is no doubt he might; but what man would like to run that risk.

3195. That was the legal right of the bishop?—It was; but the relative interests of parties made it the interest of all of us to renew as a general principle.

3196. Mr. *E. Denison.*] With respect to the point of the option of the sub-lessee, in the event of terms being offered which he thought extravagant, we have been given to understand that his remedy would be to decline, and to enjoy his lease for the remainder of the term, and then to lose it?—Exactly.

3197. Is it not the case, that, according to your lease, in the event of the sub-lessee not accepting these terms, he forfeits his lease?—He does not forfeit his existing lease, he forfeits any future lease; he does not make his right to any renewal till he pays me the proportion of the fine; he does not forfeit his present lease.

3198. Is it not the case that upon his declining, you may re-enter upon the property, and take possession?—No, certainly not; I cannot turn him out of his present lease.

3199. Mr. *Walpole.*] The Honourable Member is supposing that the lease is about to be renewed, and then that a fine is to be paid, and that the sub-lessee refuses

refuses to pay the fine; at the end of the current lease, which the sub-lessee has, he must go out of the property?—There is no doubt that at the end of the current lease he must; but then he is protected, as I have proved before, by my not liking to overpay.

3200. Mr. *G. Butt.*] Is not this a speculative rather than a practical question?—I think it is purely speculative.

3201. A sub-lessee, when he enters into a lease, makes a contract with reference to the nature and value of the property, with regard to the rights of renewal, and all the other circumstances connected with it?—No doubt.

3202. Having made his contract, and entered into his covenants, there is nothing hard in holding him to the contract which he has made, any more than in the ordinary case of landlord and tenant?—Certainly not; it is the exact covenant which he has entered into.

3203. Mr. *E. Denison.*] Does not the sub-lessee, in refusing to pay the money asked of him, forfeit his existing lease?—I should say, certainly not.

3204. "Or if the said Benjamin Shaw, his executors," and so on, "do not well and truly pay the fine, fees, and expenses attending the renewals at the times and in the manner hereinafter appointed for payment thereof, and according to the covenant or agreement hereinafter in that behalf contained, or if he or they shall not observe, do, and perform all and every the covenants, articles, and agreements in these presents contained, or on his or their part and behalf to be observed, it shall be lawful for the said William Paynter, his heirs," &c., "to enter upon the premises hereby leased, or any part thereof, in the name of the whole, to re-enter, and the same to have again in possession"?—I must say that that, according to what you have read now, strikes me as a point which would be open to argument. My impression was, and I believe it is a correct impression, that the right would merely be to prevent a particular renewal; but I do not mean to say that that point is not a point to be argued; it is an arguable point, and I believe that opinions have been taken upon that point, and that the result of those opinions is, that the forfeiture would be of the renewed lease, and not of the existing lease; but whatever it is, whether it is a forfeiture now or a forfeiture hereafter, it is the positive covenant entered into by the tenant.

3205. This is your covenant, is it not?—That is my covenant.

3206. I should ask you what is the intention of your own covenant?—I have always had the full belief that my remedy would be only as against any future lease, and not that I should turn out the tenant. It is a kind of thing I should never do to turn out a person under those circumstances, because it would be a most unjust thing; and I do not believe that that is really the construction of the lease.

3207. Mr. *Walpole.*] It is right that I should refer you to some answers which you gave yourself to some questions which were put to you before the Commission upon Capitular Estates which was issued in 1849: the questions put were these, "Supposing they thought it would be better to forfeit, would their alternative be forfeiture? Yes, I think it would be forfeiture, or at all events" (you put it in the alternative) "their interest would cease on the death of the old lives.—Could you or not go to a court of equity about it? I apprehend not." Then, turning to Mr. Pott, this question was put: "What is your opinion of that, Mr. Pott? It involves a forfeiture, I believe.—If the sub-lessees were to refuse to pay, is it your opinion that it would involve a forfeiture? Yes, certainly.—Then anything that does not go so far as to induce them to forfeit, is not that which would alarm the chief lessee for his rent? Certainly not."—My opinion is what I stated before, that it would not be a forfeiture, but it is an arguable point.

3208. You said in the evidence which I have read to you, that it would be either one or the other?—Yes.

3209. And then Mr. Pott said that it was a forfeiture?—He said that it was, but I do not think that that is a right opinion.

3210. Marquis of *Blandford.*] But even if it is a forfeiture, the sub-lessee would be protected, because if he refused to renew his lease, the whole property would be thrown upon your hands, you having paid a larger sum for your renewal than it was actually worth?—If the property was actually forfeited, it would be a great loss to the sub-lessee.

3211. Would it not be a loss to you?—Not if I was able to get into possession of it immediately. It is a question which would require a good deal of consideration; I have never bestowed upon it mature consideration. It would no doubt be a great hardship; but at all events it is the covenant which is entered into by the sub-lessee.

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3212. Mr. *Walpole.*] The sub-lessees have entered into those covenants with their eyes open?—They have done it, and we have purchased this particular interest, subject to those covenants.

3213. Mr. *G. Butt.*] And practically one never hears of such a case as is supposed?—No; I should think it a most shameful proceeding.

3214. Marquis of *Blandford.*] But if you had agreed to renew at a larger sum than the property was actually worth, and then upon the sub-lessee refusing to agree to pay you that sum he forfeited his lease *ipso instanti*, would not you have paid a larger sum than the property which was thrown upon your hands was worth?—I should be a gainer by it in the event of the sub-lessee having laid out a large sum of money upon the property and deriving a much larger rental than myself. If the alternative were, "If you do not pay me directly, I will take possession of that property, which is worth 300*l.* or 400*l.* a year, whereas my interest is only worth 100*l.*," it would certainly be a very great disadvantage to the sub-lessee, but still it is the covenant which he has entered into. My persuasion is that the courts would be very much disinclined to hold any such construction; I think that the view which they would take would be, that he has not entitled himself to a new lease, but that with respect to the lease which he has in his possession, and which he will not give up, he must run his lives out before you can get into possession.

3215. Do you think that it would be of advantage to the Church if enfranchisement of house property were to take place generally upon such as you would conceive equitable terms?—I should say so, certainly; because if the enfranchisements were made upon equitable terms, the Church would get really the full amount of the reversion, and more than the dry reversion which the Church has, because, in many cases, the Church, by fines, has received much less than the Church ought to have received; and if you put it upon a fair and equitable principle, the Church would gain all that sum which it ought to have had.

3216. Do you think that, supposing equitable terms were introduced and agreed upon, if the lessees dealt immediately with the Commissioners, instead of having to go to the bishop in the first instance, enfranchisement would be facilitated?—I think that if this Committee were to make a good rule for the enfranchisement of house property which was fair to all parties, then enfranchisements would go on very well and very advantageously, and for the benefit of all parties; but if they do not lay down good rules, I take it that, when this matter comes to be considered and understood, it will put a stop to all kinds of enfranchisement.

3217. Still, what you consider a good rule the bishop might not consider a good rule, and as long as it remains voluntary with the bishop to agree to enfranchisement or not, of course the lessee is at his mercy?—Yes.

3218. Then do not you think that the process of enfranchisement would be facilitated if the lessee had to deal with a public body like the Commissioners rather than with the bishop, who might entertain his own private opinion upon the terms which had been laid down?—I think not, because it would depend entirely upon the justice of the terms. If the terms were just, I think the enfranchisements would go on; if they were unjust, I do not think they would.

3219. Do you think that the bishop would be equally willing to enfranchise as the Commissioners would be?—I think so, upon proper terms, if the bishop did not prefer granting renewals.

3220. Have many applications been made to the Bishop of Winchester for renewals?—Application has been made for some time, and the bishop is now entertaining the consideration. But with regard to the terms upon the second plan of enfranchisement, it is a mere waste of money.

3221. Who proposed these terms of enfranchisement?—The terms of enfranchisement which I have mentioned as the second plan, are the terms which were explained by Mr. Smith, who is the surveyor of the Ecclesiastical Commissioners, as the bases upon which he has acted; it was also stated by Mr. Chaytor, that he adopted the same plan. My notion is, that any lessees enfranchising upon those terms must have lost their senses.

3222. Then, when application has been made to the bishop to enfranchise, is it the bishop's agent who has proposed those terms?—The bishop's agent has proposed no terms to me.

3223. Application has been made to him?—Yes, but he has not explained the terms; I merely take the terms as they appear in evidence, here given by the surveyor of the Commissioners, and by Mr. Chaytor.

3224. Still you have been dissatisfied with the terms proposed to you?—They have proposed no terms to me; the matter is now under consideration.

3225. Is it only recently, then, that application has been made to enfranchise?—I made application, I think, two or three years ago, and the bishop did not feel disposed to do it; but lately the bishop has felt disposed to entertain the question of enfranchisement, but they have not told me anything about what terms they should think fit to adopt. My fear is this: whatever the bishop may agree to, it must have the consent of the Church Estates Commissioners, and if the surveyor of the Church Estates Commissioners proposes a plan which is utterly above the value of the property, of course your Lordship knows that no practical result can be arrived at. I should no more think of enfranchising upon those terms than I should think of throwing 20,000 *l.* into the river.

3226. Then, if no terms have been proposed, this sense of injustice, which you have submitted to the Committee upon paper, is a hypothesis, and not a reality?—It applies to all the cases of enfranchisement of house property under the Church Estates Commissioners, because they have explained the principle upon which the thing is done; that they calculate the value of the fee at present according to the value, and then place it at the end of the term, and discount at 4 per cent. It attaches to the valuation of house property throughout the kingdom.

3227. You state that no terms have been proposed to you?—No terms have been proposed to me; but the principle which they have adopted is wrong in every case of its application.

3228. Then, if terms were proposed to you, are you perfectly satisfied that, under the existing state of things, those would be the terms proposed?—It is explained to me that that is the plan recommended by the surveyor of the Church Estates Commissioners, and the Church Estates Commissioners must consent to any enfranchisement on the part of the bishop; I am therefore quite satisfied that those are the terms which will be proposed.

3229. In fact the only matter of application which has been made is now under consideration, and you, in your own mind, are perfectly satisfied what the result of that consideration will be?—Yes; except a regulation is made by Parliament, stating the proper ground of enfranchisement, and which is the remedy that I seek.

3230. Unless such a regulation is made, you feel perfectly certain that you will not be satisfied with the terms proposed to you?—I am quite certain that I should not entertain the thought of enfranchising upon those terms.

3231. Then so long as the enfranchisement remains a voluntary act on the part of the bishop, if he considers that these terms are proper terms, which ought to be proposed, would he not be likely to consider any other terms more favourable to the lessees, as improper terms to be proposed, and therefore, so long as it is a voluntary act on his part to enfranchise, would he not be rather disinclined to enfranchise upon any new terms which might be proposed?—I think any intelligent man who has these facts before him, can arrive at but one conclusion, and therefore when the facts come to be considered by any persons who give themselves the trouble of thinking of them, I take it that they are unanswerable; I have no doubt that the terms would be approved by the bishop, as well as by any person to whom the matter was subject; but that the thing is wrong now, I entertain no doubt in the world.

3232. Whatever is more favourable to the lessee is, in proportion, unfavourable to the Church, so far as the money value is concerned?—Of course the Church would not gain so much if it had fair and proper terms, as if it had unfair and excessive terms.

3233. Then if the bishop is now satisfied with the terms proposed, is it likely that he would be satisfied with terms less favourable to the Church?—I think that Parliament should interfere, and state the conditions which ought to be adopted in such a case; I, as a lessee, complain of a gross wrong in having those terms offered to me.

3234. But so long as Parliament leaves it to the bishop as a voluntary act whether he shall enfranchise or not, is it likely that he will agree to terms more favourable to the lessees, which he does not agree to now?—I think if he were well advised he would do so.

3235. Sir *W. Heathcote.*] Is it the fact, that the bishop has offered any terms at all as yet?—Not that I am aware of.

3236. Then when you speak of the difficulty in dealing, is it not because you consider that the bishop would be under the control of the Estates Commissioners?—The consent of the Estates Commissioners being necessary.

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3237. Therefore your reason for assuming a difficulty in dealing with the bishop is on account of the intervention of the Estates Commissioners?—No doubt.

3238. Therefore if the property of the Church were put more entirely into the hands of the Estates Commissioners, it would in no way improve your condition?—I do not think it would improve my condition. I do not think my condition can be improved unless Parliament lays down a rule.

3239. Mr. *Walpole.*] The Estates Commissioners, I believe, have enfranchised a great deal of leasehold property belonging to the Church, and have shown no disinclination to do so, which is not at any rate household property?—Yes.

3240. There was some dissatisfaction expressed at one time as to the terms upon which they were enfranchising that leasehold property?—There were very great complaints before Parliament interfered, and stated the proper plan of doing it.

3241. At first, after the Acts of Parliament were passed, when the recommendations of the Lords' Committee were brought under the notice of the Commissioners, there were not a great many enfranchisements taking place as compared with those which take place now?—Exactly.

3242. This year the enfranchisements have increased very considerably?—No doubt.

3243. And they are increasing in parts of the country where the lessees have been unwilling to enfranchise before. From those facts I assume that there is no disinclination on the part of the Ecclesiastical Commissioners to enfranchise property belonging to the Church, and in order to apply the benefit of that enfranchisement for Church interests?—Certainly.

3244. Have you any reason to suppose that there will be any greater disinclination on their part to enfranchise leasehold property which is in houses, than leasehold property which is in land?—I do not see why there should be.

3245. Then if the Ecclesiastical Commissioners found that by any rules which they had laid down, the course of enfranchisement, with reference to household property, was likely to be stopped, is it not reasonable to suppose that they would consider those rules, with the view of seeing upon what terms most for the benefit of the Church, and just to the lessees, they could obtain the enfranchisement of that property?—I have no doubt they would; but I prefer Parliament doing it.

3246. May it not be possible that, unless a discretion was left with somebody who had the actual management of the enfranchisements which were to take place, if some other body like Parliament was to lay down a fixed rule, those who had to act upon that rule might act to the disadvantage of the Church, in taking that rule as the strict measure of value when another rule might be better?—It is done with regard to lands and tithe rentcharges. I say it may be done properly with reference to houses, and where, upon the consent of all parties, they do not want any advantage whatever, but merely that it shall be done justly; I may assume that it is now done unjustly.

3247. Then the whole question turns upon this, whether the mode in which the Commissioners, under the advice of their actuary, thought that the value ought to be set upon household property under lease with reference to enfranchisement, is or is not fair?—It comes to that. My point is, that it is very unfair, and that I wish Parliament would lay down rules in reference to this class of property, as it has with regard to lands; in the latter case it was unfair before Parliament interfered.

3248. Sir *J. Graham.*] When you say that Parliament has laid down rules with regard to lands, can you point out the statutable provision to that effect?—It is a recommendation given by the House of Lords, and I think that that recommendation is practically adopted.

3249. It is practically adopted, but Parliament has laid down no rule with regard to land that I am aware of?—I do not know exactly in what respect certain recommendations which were given are considered to have been adopted by the Legislature; that I am not sure of. At all events, it is a sufficient guarantee if the thing comes recommended, as it has been by the House of Lords, in reference to land and tithe rentcharges. A principle has there been laid down, which is a just principle, and upon which the lessees and the lessors and the corporations can act; it is an enunciation of the right way of doing it; but if you do not have the right way of doing it, you will have constant disputes, and such outrageous terms as these.

3250. Mr. *E. Denison.*] Has not Parliament interfered and laid down a rule, because the 11th clause of the 17th & 18th Victoria, chapter 116, says, "In computing

puting the due regard to be paid to the just and reasonable claims of the present holders of lands under lease or otherwise, arising from the long-continued practice of renewal, the basis of compensation may, at the discretion and with the approval of the Church Estates Commissioners, be that laid down by the Episcopal and Capitular Revenues Commissioners in their Report of 1850, or according to the recommendations laid down in the Lords' Report on the same subject in 1851." Is not that an interference of Parliament by a statute on the subject?—I think the meaning of that is rather doubtful.

3251. Mr. *Ingham.*] If you had been sitting here you would have heard that in practice that is what has been adopted by the Estates Commissioners, namely, that they do compute the interest of the lessees according to the recommendation of the Lords' Committee, and give them the benefit of the extended term?—I think that is perfectly just and right, and that it would go on; the principle there enunciated is the right one, and it applies to all descriptions of property.

3252. We have evidence from the Church Estates Commissioners that it is what they have themselves acted upon?—It would be a great boon to the leaseholders of house property if a recommendation were made by this Committee in reference to the terms upon which house property should be enfranchised, because it is very hard that house property should not have any recommendation with reference to the enfranchisement, other property having it.

3253. The Winchester Park Estate, which is the estate to which your evidence has been directed, lies, as I understand, between Southwark Bridge and London Bridge?—Yes.

3254. It comprises a great amount of house property of a very various character?—Of an inferior character.

3255. There are some factories in it?—Yes; there is a brewery, I believe, there.

3256. With a view to its position and the chance of future improvement, do you not think that it is especially desirable that there should be some more permanent interest secured to those interested in the leasehold property now than they have and are likely to have under the existing law?—I think it would be a great public advantage.

3257. I believe that some sanitary improvements have been suggested, and difficulties have been made as to the execution of them, in consequence of the unwillingness and the impossibility, in the present state of uncertainty, of laying out fresh streets to which any system of sanitary improvement can apply?—It may be so. I do not know it of my own knowledge.

3258. Two years ago, you may recollect, there was considerable apprehension of the cholera coming, and many of the parties were called upon to examine their property?—That is very likely.

3259. *Chairman.*] Supposing the present lessees of house property to have leases granted them upon certain terms, for 60 years, how would you propose that the renewal should take place?—Then the renewal should take place in this way: I should calculate the interest first of the whole 60 years; the value of the whole 60 years, according to the rate of interest of the fee-simple, would be found; then from that value of the whole of the 60 years I should deduct the existing value of the lease, and deducting one from the other would give the exact sum which ought to be paid.

3260. I wish to ask you with respect to the renewal of those leases hereafter at the end of 40 years, or any other period?—I do not like the plan; but I merely suggest that if the lessees cannot get the renewals, it would be but fair that they should have the advantage of an extended term as a little compensation, but certainly a kind of compensation for stopping the tenure altogether.

3261. Mr. *Ingham.*] And that extended term should not be renewable?—My position is, that if the enfranchisement cannot take place, and you are determined to stop the tenure, you should give an extended term to the particular persons, especially those persons in reference to property upon which large sums of money have been laid out.

3262. *Chairman.*] Might not thereby justice be done to the present lessees, and at the same time the Church ultimately receive the improved value of the property?—I think that most likely that would be the case; it would be making it a kind property, such as Lord Westminster's, and in time inducing people to lay out more money.

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3263. Supposing the present differences to be settled, and the lessees to receive what you think would be fair terms, might it not ultimately be the case that the Church, with respect to house property, especially in the metropolis, would be in the place of a great proprietor?—Exactly.

3264. Lord *R. Grosvenor.*] Allusion has been made more than once to the dilapidated and unsatisfactory condition of a part of this property; you are acquainted with it yourself, I suppose?—Yes, I know the property.

3265. Does not the chief obstacle arise from the unwillingness of builders to take the property and improve it, without having leases of considerable length?—I think so, especially lately, when this question has been mooted, and the minds of people have been disturbed; they would not make improvements so readily now as they would some time back; but I do not think that at any time the improvements have been at so great a rate as if there had been a positive long term granted.

3266. Do you know any place in London and the neighbourhood where good property is built, and property made good, where it is not in the power of the lessor to grant long leases for building?—I should not expect, and do not think it reasonable to expect, that a superior class of houses would be built unless there were long terms.

3267. Mr. *Wilkinson.*] The application for renewal is always made some time before the expiration of the existing lease, is it not?—The application for renewal takes place whenever a life drops or determines.

3268. When there are remaining lives in the lease?—Yes.

3269. That being so, is not there a covenant in every lease from you to a sub-lessee for an absolute surrender of that lease before you make application for renewal?—Yes.

3270. And is it not actually necessary that that lease should be absolutely surrendered before you can have a renewal?—No; there is an Act of Parliament, I think, rendering it unnecessary.

3271. Sir *J. Graham.*] What is your term under the Bishop of Winchester?—For three lives and the life of the survivor.

3272. And what is your practice of renewal? Do you renew periodically, or upon the dropping of lives?—Upon the dropping of each life I put in another life. In 1847 I put in the life of one of my sons, who is now 26.

3273. Mr. *G. Butt.*] Do I rightly understand you to say that your complaint is this: you lay down that in respect of house property the lessee should give the value of the fee-simple, deducting the value of the lease?—Exactly.

3274. You say, if I understand you, that the value of the fee-simple should be calculated upon the same principle as the value of the lease?—Exactly.

3275. Then you say, deducting one from the other, a fair sum would be paid upon the enfranchisement?—Exactly.

3276. But do I rightly understand you, that the Ecclesiastical Commissioners, in the case of house property, do not calculate the value of the fee-simple and the value of the lease upon the same principle?—No, certainly not.

3277. That is to say, they take the value of the fee-simple at the rate of 6 per cent., and the value of the lease, discounting at the rate of 4 per cent.?—They do not take into consideration the value of the lease at all; merely the extension of the term. They take the value of the fee-simple as if it were in possession. Then they put the value of that fee-simple, whatever sum it is, as a sum payable at the end of the term, and then they discount it at 4 per cent.

3278. But if they discounted it at the rate of 6 per cent., assuming that they calculated the value of the fee-simple upon interest at 6 per cent., would it attain the result which you say would be fair?—Exactly; that would do it.

3279. Then the rate of calculation, both with reference to the fee and that which was to be deducted from it, would be the same?—Yes; you would come to the right conclusion; if you went into the market and sold the fee-simple the next day you would not be out of pocket.

3280. Sir *J. Graham.*] The whole matter in dispute arises from the varying calculation of interest?—Yes.

3281. But making a difference as regards the household property of the Church of from 600,000 *l.* to 800,000 *l.*?—Yes, assuming that the value is 6,000,000 *l.*; I do not say that it is so.

3282. Marquis of *Blandford.*] If you effected an enfranchisement of property, would it alter the relation in which your sub-lessee stands to you with respect to his covenants?—No, he would remain exactly the same; if I effected an enfranchisement

chisement the covenants in reference to the different series of renewed leases for ever would attach to the fee; therefore I should be obliged to grant to each of my sub-lessees an interest in perpetuity, subject to the same rent as they would have to pay if they had a series of new leases granted.

3283. Mr. *G. Butt.*] They would have a perpetual interest?—Yes.

3284. Marquis of *Blandford.*] You would not demand harder terms from them than you did before the enfranchisement?—No; it would leave the equities and rights identically the same as they now are, which is very important when the tenure is altered.

3285. Mr. *E. Denison.*] Precisely the same principle as is now adopted by the Commissioners was contended for in the former dealings with respect to land, was it not?—I apprehend that it involved the same principle.

3286. That is to say, that a different rate of interest was calculated upon?—Yes.

3287. From which course however the Commissioners have now been moved, have they not?—Exactly; they have laid down the proper principle.

3288. Sir *J. Graham.*] Is there not a great difference between land and houses, as to the varying value from time to time?—There is this difference, the value of houses would vary according to the locality; a house in a particular locality will have a different value of the fee-simple from one in another.

3289. So would land?—It might to a certain degree, but not so much. The fashion of Belgrave-square and of Russell-square is different, and you pay differently for the same kind of article; but my plan is to find the market value of the particular property, and when you have once fixed the market value of the fee-simple, you have the whole of the elements to work out the calculation in reference to that particular class of property.

3290. Mr. *Ingham.*] Any difference which there may be between the value of house property and the value of land, would tell in favour of the interest of the lessee, because in the case of house property in the earlier part of the period of possession, when the house is in a good state of repair, the interest is larger than during the same number of years postponed till the expiration of the term?—Yes. The reversion of house property is about the worst property that anybody can hold, because it is property which is perishable, and getting worse and worse; and the consequence is that you get the old age of the house, in fact, instead of the youth of the house.

3291. Sir *J. Graham.*] The measure of that difference is, that land sells for 30 years' purchase, and household property you have put at 16?—No doubt.

3292. Mr. *Ingham.*] Whenever you have ascertained the market price of a house, a greater portion of that market price belongs to the tenant who enjoys it in its perfect state, than in the case of land where it is fairly presumed that the reversioner finds it in as good a state as the occupying tenant?—That must be on account of the number of years' purchase being less. If you had land at 30 years' purchase, and house property at 16 years' purchase, giving 1,000*l.* for each, you would find that the relative values of the different properties at the end of 30 years would be quite different; the value of the reversion of the land would be double as great as the value of the reversion of the house property, although at first you gave the same sum for each.

3293. Lord *R. Cecil.*] Would not that extreme destructibility of household property, of which you speak, be a sufficient guarantee that the Church never would run the tenants out to any great extent?—I think it would be of very small benefit if they did run the tenants out, as in most cases they would have mere ruins to take possession of. It would be a most serious injury with reference to perpetuity. In my own case what would become of my permanent rentcharge, which is to go on for ever, if the leases were to run out? That is the purchase-money under which my sub-lessees hold their separate interests. All parties would be damaged by that course; but by an enfranchisement upon fair terms all parties would be benefited. The system of running out leases would be vastly injurious to everybody.

3294. Sir *J. Graham.*] The whole question is, what are equitable terms?—Just so.

3295. Mr. *Walpole.*] And that will be best tested by what is the market value of the reversion, if you can ascertain it?—If you can ascertain the market value of the fee-simple of the thing that settles all, because that fixes the measure of the property.

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3296. Mr. *G. Butt.*] You say that the market value can only be ascertained in the way you state?—The market value can only be ascertained by taking what the market value of the fee is, deducting the value of the lease upon the same rate of interest and the same annual amount. If you go away from that plan you get into those absurdities which I have pointed out with reference to the system of discounting at 4 per cent., so that practically it must stop the scheme of enfranchisement.

Martis, 29° die Aprilis, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Walpole.
Sir John Pakington.	Mr. Ingham.
Marquis of Blandford.	Mr. Evelyn Denison.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. George Butt.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Edmund James Smith, Esq., called in; and further Examined.

E. J. Smith, Esq.
29 April 1856.

3297. *Chairman.*] DID you hear Mr. Paynter's evidence before the Committee?—I did.

3298. Are you prepared to give your opinion upon the statements and calculations which he laid before the Committee?—I am so. The Committee will find that Mr. Paynter, in his Answer to Question 3084, states that the proper mode of estimating the interest of the lessor and the lessees is to calculate the value of the fee at so much, and the value of the lease by the same tables; and that, deducting the one from the other, you come to the true result. I propose, to show that this theory cannot be sustained; to make application of the instances I adduce to the estate which is the subject of discussion; and to explain the true principle. If you turn to Mr. Paynter's evidence in a previous page, page 4, you will find that the estimates which he gives are on this basis: that if a house is good for 100 *l.* a year, and would sell at 1,666*l.*, and is held for a term certain of 30 years, the true sum to be asked for the reversion should be 290*l.*, while the price which I should advise to be accepted would range from 445*l.* to 513*l.*; and you will find, in the same answer, that he states that the value of the leasehold interest would be 1,376*l.*, instead of ranging from 1,150*l.* up to 1,221*l.*, as it would if my estimate were taken. I will first deal very shortly with the assertion, that the actual value of such a leasehold interest can be 1,376*l.*; because the utmost that a leasehold interest of that kind would sell for would be about 1,000*l.*; and without entering into that point in detail now, I will simply refer to an answer from the gentlemen possessing this estate, when they were examined in 1850, Answer 1528; in which you will find that it is stated that the leasehold interest sells at from 10 years' to 11 years' purchase; that is, from 1,000 *l.* to 1,100 *l.*: that is their own statement. I shall be open to enter into that after I have gone on with the next stage.

A second reason why Mr. Paynter's theory must be inaccurate is, because under it the Church would not receive the income it actually receives now under the existing system. The ordinary tenures of houses under the Church are for terms of 40 years, renewable every 14, at a payment of a year and a half's income; or for 30 years, renewable every 10 years, on payment of a year and a quarter's income; and the sum which must be set aside by the holder of a Church estate, in order to enable him to pay in perpetuity those sums as they accrue, is actually 370 *l.*; in the first case it is higher: therefore, if the Church received the sum proposed under this system, of 290*l.*, it would sacrifice the 80*l.*, which is the difference between the two; and it would do so without having anything taken into account for the constant improvement which has accrued, and which there is every reason to anticipate (especially in this case) is certain to accrue, in the future fines.

3299. With

3299. With regard to a house of 100 *l.* a year value, of which a 40 years' lease has been granted, suppose it is renewed at the end of 14 years, the fine paid, I understand you to be, 150 *l.*?—That is so.

3300. How is it with regard to a 30 years' lease?—It is renewed every 10 years, and the fine is 125 *l.*

3301. Mr. *Walpole.*] Then it would be 375 *l.* in the whole before the 30 years had expired?—Just so.

3302. *Chairman.*] Will you go on with your explanation?—Again, it is equally evident that 290 *l.* received at this time, cannot produce 1,666 *l.* at the end of the outstanding term assumed by Mr. Paynter. You have the 290 *l.* handed to you, and you have to obtain interest upon it, and interest on the interest upon it throughout the whole interval, in order to obtain your 1,666 *l.* at the end. The interest which you could obtain, you may fairly say at this time, would not exceed an interest of 3 per cent. Assume that you have 3 per cent., and you will have at the end of the time about 2 *l.* over 700 *l.* in substitution of your 1,666 *l.*, and if you obtain 3 ½ per cent. (and I think very few persons can show how 3 ½ per cent. is to be obtained in the first instance, and again on the interest accruing every half year or whole year) if you obtain 3 ½ per cent. at compound interest, it will accrue to something upwards of 800 *l.*, call it 816 *l.*; you will have 816 *l.* at the end of the term, in substitution of your 1,666 *l.*

3303. Mr. *G. Butt.*] But suppose you invest at 6 per cent.?—If you were able to obtain 6 per cent. interest, and to receive 6 per cent. interest, you would be able to have your 1,666 *l.*; and if you can show any manner in which you can have 6 per cent. interest, all the world would instantly enter and obtain that 6 per cent. interest, and would not be satisfied with 3 per cent., or 3 ½, which is all that can be obtained. You have not in any investment interest at 6 per cent.; you have an annual return, which seems as if it were 6 per cent., precisely because, if the house is empty, you have no return at all; the actual interest that you receive is the ordinary interest; anything that you obtain beyond the ordinary interest is, simply your insurance against hazards.

3304. If you get your amount upon the 6 per. cent. table by purchase and sale, in order to ascertain the value of the limited interest, and in order to ascertain the value of the reversion and of the fee, you must suppose yourself to be investing, whether it be the sum to purchase the fee, the sum to purchase the term, or the reversion, the sum of 290 *l.* in the same description of security, that is, by the same table, must you not?—No, certainly not; any assumption of the kind is a most grievous error. I think in my last answer I have answered that particular point.

3305. Mr. *Walpole.*] In other words, as I understand you, the actual interest which you could obtain for the money paid, carrying interest at a compound rate from year to year, would yield you much short of the sum which the lease, according to that computation, must be valued at; am I right?—Certainly; the precise reason why you have the opportunity of buying 100 *l.* per annum at 16 and odd years' purchase is, because the chances are that, either because the house will be empty, or from some other cause, you will have in truth only the ordinary interest, or very little beyond the ordinary interest on it; nothing, I think, can be much more obvious.

3306. *Chairman.*] Therefore, the 16 ⅔ years' purchase implies that there are risks with house property which reduce the nominal interest to what is the usual interest?—The return is, in truth, interest and insurance against hazard. The six per cent. is not interest in the true sense of the word "interest," but represents the ordinary interest that you have in everything, and the risk of the house standing empty, which I instance because it is an exceedingly heavy risk; I instance it in substitution of giving a whole series of risks.

3307. Mr. *G. Butt.*] Does not that affect the 1,666 *l.*, the 290 *l.* stated to be part of it, and the value of the term 1,300 *l.* odd; do not those ingredients equally affect the whole corpus as it stands, and the produce of that corpus when it is obtained?—Those ingredients have an effect on each, but those ingredients have not an equal effect on each, or anything approaching an equal effect.

The further instance which I intended to adduce on this particular part of the subject is, that in the second Report of the Earl of Harrowby's Commission a scheme was proposed referring to houses, and the scheme was, that in the case of a term for 40 years, renewable every 14, there should be a permanent charge on every 100 *l.*

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per annum, amounting to 17 *l.* 8 *s.*, I think. Now, it is obvious that the proposed sum of 290 *l.*, which is to be given to the Church under Mr. Paynter's system, cannot produce 17 *l.* 8 *s.*, excepting you purchase something which produces you six per cent. interest; not interest and insurance against risk, but six per cent. interest. Therefore, if you offered to the Church whether it would accept this sum of 290 *l.*, or this rentcharge of 17 *l.* 8 *s.*, the Church would infinitely prefer 17 *l.* 8 *s.* rentcharge, if it must have either of the two.

3308. Mr. *Walpole.*] Have you calculated at all what 290 *l.* 3 *s.* 8 *d.*, which is the reversionary value of the property, according to the hypothesis, would realise at the end of 30 years, laid out first of all at three per cent., and secondly at 3½ per cent.?—I have said, that in the first case it is 2 *l.* or 3 *l.* over 700 *l.*; call it 705; and in the second case it is 816 *l.* These are three or four instances which I take to show that the system proposed cannot be sustained.

3309. *Chairman.*] Do you mean at the end of the 40 years and of the 30 years?—At the end of the 30 years. The whole of the estimate put in the other day proceeds on the assumption of a 30 years' term, and therefore, in all my answers, both up to this time and in future, I proceed upon the assumption before the Committee.

3310. Mr. *G. Butt.*] Will you listen to the previous paragraph of Lord Harrowby's Report, because it is the Commissioners' explanation of the principle laid down: "In illustrating this recommendation by examples, it should be borne in mind that the fee simple of house property seldom exceeds 16⅔ years' purchase, yielding an interest of six per cent., and accordingly in the following example the value of partial or reversionary interests in the property is estimated at the like rate of interest"?—I listen.

3311. "Though in practice," it says, "a higher rate of interest would probably be allowed in the calculations"?—Yes.

3312. Assume a clear annual value of 100 *l.*; assume what the Commissioners in their second Report state, that the value of house property should be taken at 16⅔ years' purchase upon the six per cent. tables. Suppose the Church Commissioners, not having the term which was outstanding of 30 years, made a contract with me to sell the fee, that would be represented according to that table by 1,666 *l.* 13 *s.* 4 *d.*?—Yes.

3313. Supposing they had to buy a term of 30 years on the same day, then outstanding, would it not be proper to purchase that at the same rate upon the same table?—It would be extremely unsound if they were to do anything of the sort.

3314. Then you do not agree with the Commissioners in their Report, that the value of a partial interest should be taken at the same rate as the calculation of the value of the fee?—No, certainly not; and in the subsequent Session it was precisely because I disagreed, not only with the particular point you refer to, but disagreed with other points, that I was examined in the Upper House upon the subject, and the Upper House determined to alter the view which was set out by Lord Harrowby's Commission.

3315. You refer to the Lords' Report?—The Lords' Report.

3316. The Lords, I find, do not alter the view, but they say, "With respect to farms and tithe rent charges, that if the bishop or capitular body agree to enfranchise, the price to be paid for the enfranchisement shall be the value of the fee simple, deducting the value of the lease at such valuation as hereinafter is mentioned. That was calculating the value of the fee simple and the value of the lease, say for 30 years, by the same tables?—So far as those are concerned.

3317. First let me understand that that is the recommendation of the Lords as to the particular property to which it is applied?—Precisely.

3318. Upon principle, the table in such case, namely, the table applicable to farms and tithe rentcharges, would be not of course the 6 per cent. table, but the 3½ or the 4; which?—It was to be according to the table on which the value in fee was estimated, undoubtedly.

3319. It would vary according to circumstances, but would be more than 20 years' purchase?—That is so; and I can explain the reasons for its being so.

3320. Then the Lords say in the second paragraph, as to farms and tithe rentcharges, "That the beneficial interest of the lessee shall be valued at the same rate of interest at which the value of the fee simple has been determined"?—That is so.

3321. Therefore,

3321. Therefore, if the value of the fee simple had been taken upon the $3\frac{1}{2}$ per cent. table, the value of the term for 30 years would be estimated at the same rate upon the same table?—That is so.

3322. That is the principle of the Lords' recommendation respecting those two descriptions of property?—That is so.

3323. Then at the end they say, to which I intend to call your attention: "The Committee have confined the preceding recommendations to farms and tithe rentcharges. With respect to house property and mines, the Committee entertain doubts, which can only be removed by further investigation and consideration, whether the arrangements which they have suggested can be advantageously applied to those kinds of property"?—That is so.

3324. It is an important element to ascertain, whatever the property be, the market value of the property at the time when you are making your arrangements?—Except you have that you cannot proceed in any way.

3325. And when you have ascertained the market value of the property, and the nature of the property, you then determine by what table you are to value the entirety, and as the Commissioners say as to rentcharges, the leasehold interest?—Yes.

3326. That being so, assume that from the nature of the property you find that house property in a particular district is of such a nature that it ought, in order to be remunerative, to produce 6 per cent. for your money?—As interest?

3327. According to my understanding, it matters not whether you call it interest, or anything else. As the Lords have laid down no rule for house property, it is very important to consider what the rule should be. I have put to you that with respect to house property in general, the fee simple is calculated at $16\frac{2}{3}$ years' purchase?—It is so calculated in the case assumed in the evidence on last Friday.

3328. And it is so stated in the Report of the Commissioners?—I apprehend that houses, like other things, are estimated at a very different number of years' purchase, according to the character of the property. You are assuming the case on $16\frac{2}{3}$ years' purchase; I have assumed it is so, because it has been already so assumed, and it will be very desirable to have it so assumed; but it is only an assumption.

3329. To ascertain the market value of any property, there are a variety of circumstances to be taken into consideration; the market value, of course, will vary in one district and in another, and the market value of a high description of house property will be higher than the market value of second and third rate and inferior houses; but the Commissioners say here that it seldom exceeds $16\frac{2}{3}$ years purchase; is that so?—Certainly not. I can mention houses within a few hundred yards from here, which will sell at certainly half as much again; 25 years' purchase.

3330. And within this district there are smaller houses, as you know, that would sell for 12 years' purchase?—That is so; and for the purpose of your argument, it is desirable to take the same assumption as was taken the other day, and to assume 100*l.* a year, at $16\frac{2}{3}$ years' purchase.

3331. In the case which I put just now, you said that it was not a correct principle to take the value of the fee and the value of the term by the same table?—Most decidedly not.

3332. You say, that if you take the value of the fee correctly as $16\frac{2}{3}$ years' purchase, making 1,666*l.*, you ought not to take the value of the term, whether the Church bought or sold by the same table?—No, you certainly ought not.

3333. Mr. *Wilkinson.*] The difference of interest with respect to house property, and with respect to landed property and farms, arises entirely from the circumstance that in one case a risk is incurred, and in the other not?—The reason is, because there is not the same degree of hazard in the two properties. There is a degree of hazard in each.

3334. When you are reckoning the interest upon landed property, or the difference between the annual rent and the fee simple, you do not reckon anything for risk?—Yes, I do, but not much.

3335. I understood you to say that the rate of interest at which you calculate

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respecting landed property, is almost, or nearly, the market rate of interest?—That is so.

3336. With respect to house property, the rate of interest is very much above the market rate of interest?—That is so.

3337. And therefore, in calculating the interest to be derived upon any sum, it would not be fair to take that rate which is above the market rate of interest?—That is exactly so.

3338. Mr. *G. Butt.*] Take the case of a house of the clear annual value of 100 *l.*, and assume the fee to be worth 1,666 *l.* as given, do you consider that because that house, estimating the value of the fee, is now worth that sum, it will be worth the same sum 30 years hence?—That is opening a totally different subject.

3339. Will you first say, yes or no?—I cannot answer unless I explain my answer.

3340. You must give an answer first. Do you consider that, because the house now is worth 1,666*l.*, it will be worth 1,666*l.* 30 years hence?—No, I do not; and in the sum proposed to be asked on behalf of the Church, I have taken the elements referred to by the Honourable Member into consideration.

3341. What elements?—The increased age of the house at the end of the 30 years.

3342. Have you taken into consideration that house property is, of course, liable to be burnt down?—Undoubtedly.

3343. You have taken that into consideration?—Yes.

3344. In what way?—In discounting at the 4 or the $4\frac{1}{2}$ per cent. rate of interest.

3345. Will you explain what you mean by discounting at the 4 or the $4\frac{1}{2}$ rate of interest?—If I discount a particular house at 4 per cent. interest, it is in fact assuming that the house, at the end of the time, instead of 1,666*l.*, is good for the sum of 1,250*l.*; and if I discount at $4\frac{1}{2}$ per cent., it is in fact estimating the house, at the end of the time, as reduced to something about 1,080*l.*

3346. In valuing the fee at 1,666*l.*, you take into consideration all that risk, and take the 6 per cent. table?—I take into consideration all those risks, and several other risks besides; the risk of the house standing empty I instance as a single risk, of such size as to render it unnecessary to go into others.

3347. You give that as the reason why you discount at $4\frac{1}{2}$ per cent.?—I give it as a reason.

3348. But if, to ascertain the value, you assume that the money invested in such property should produce 6 per cent. because of the nature of the property, why do not you discount at the same rate at which you estimate the value of the fee?—Because I never assumed that the 6 per cent. return was 6 per cent. interest; the 6 per cent. return is the ordinary interest of the day which you have on everything, or should have on everything, and the hazard added to that rate of interest.

3349. Have you taken into consideration, in considering the nature of this property, other casualties, such as the house being left in a very dilapidated state by an insolvent tenant?—In this particular case I should not have any apprehension upon the subject, because it is in the hands of a gentleman of perfect solvency; but, as a general rule, the whole of those chances are included in the discount of $4\frac{1}{2}$ per cent., instead of discounting the 1,666*l.* at the current interest of the day.

3350. You have assumed, you say, that at the end, when the reversion falls in, it would represent 1,666*l.*?—No, I have said just the contrary; I have said that, taking the discount at 4 and $4\frac{1}{2}$ per cent., the 1,666*l.* is reduced, in the first case, to 1,250*l.*, and in the second, to somewhere about 1,080*l.*: I stated that before.

3351. Have you taken into consideration that the house may be burnt down just before the reversion falls in, and that the reversioner may be obliged to begin by building up the house again?—I am answering on the general subject; and I certainly have not assumed that all the houses of the Church will be burnt down; it might happen in a particular case, but as a general principle, discounting at $4\frac{1}{2}$ per cent. is adequate to guard against the contingency.

3352. Such contingencies as I have put to you?—All such contingencies as you have named.

3353. I do not put my question with reference to a particular house, but I take it

it as a general course?—It has been so taken; it is included in the general average of 4½ or 4 per cent. discount.

3354. In the case I put of the house being burnt down, there would be nothing remain but the value of the land on which it stood?—That is so; and if the house was of a very inferior character, it might chance that the site would be almost equal to the site and the superstructure both, especially on the other side of the Thames.

3355. I do not put those extreme cases. How would it be with regard to many speculations, such as Victoria-street and Kemp Town. I have avoided extreme cases either way, but have taken the average to get at some general principle?—I thought you had asked me extreme cases.

3356. You say that the value of a lease at 30 years ought to be estimated only by the 4½ per cent. table?—I have not said anything of that sort.

3357. Supposing I wish to buy a house, the present value of the fee of which we will take to be 1,666 *l.*, would you estimate the 30 years' term by the same six per cent. table?—No; it would be a most imprudent thing if any person purchased a leasehold interest in a house on the same scale on which the fee-simple is estimated.

3358. By the same table?—By the same table; because, if you purchase a leasehold interest, you purchase it with a view of obtaining current interest on the sum you give, and having your capital restored to you at the end of the term; that is the essence of the purchase of a leasehold interest. Now it is quite obvious, that if that house stand empty the very first year, you would not only lose the income of the year, but you would lose all the interest which would accrue on that receipt during the whole of the outstanding term; and that if you had not an income that first year, and had not the interest on that receipt throughout the outstanding term, your sum of 1,376 *l.*, which it is assumed that you are to give for this leasehold interest, would be reduced to 876 *l.* The sacrifice of the 100 *l.* in the first year, and of the interest accruing on it, would utterly disable you from obtaining your 1,376 *l.* at the end of the term. Therefore, without instancing anything else, it would be perfectly inconsistent to value the fee and the leasehold interest on the same tables.

3359. Is there any intelligible reason why the value of a lease for 30 years, and the sum which should be given for the reversion of that lease, for the fee, should exceed the value of the fee-simple as estimated at present?—The excess which you assume, arises simply from your excessively erroneous estimate of the value of the leasehold interest. For the reason which I have just assigned, no person who has had any experience on such subjects would dream of giving 1,376 *l.* for a leasehold interest for 30 years in a house, the fee of which he could have for 1,666 *l.*, because, as I say, if it happened that the house stood empty the first year, he could not recover his 1,376 *l.* again.

3360. Do I rightly understand you to say, that taking the value of the lease as given by Mr. Paynter, estimating the value of a lease for 30 years upon the 6 per cent. table, is not a correct mode of estimating the value of the lease?—It is as wholly inaccurate as his mode of estimating the value of the reversion; I cannot state its inaccuracy more strongly.

3361. That inaccuracy makes the difference between you and him, he giving 290 *l.* and some odd shillings as the value of the reversion on the 6 per cent. table, and you giving 513 *l.* 17 *s.* 3 *d.* by the 4 per cent. table, or 445 *l.* by the 4½ per cent.?—That has perhaps aided him in falling into the mistake, but it is not the original cause of it; the original cause is, because he lays down the erroneous principle to which I called your attention in the first sentence of my examination.

3362. Just repeat it?—I gave a quotation from his answer, No. 3,084. Having gone on a mistaken principle, each of his assumptions, whether of the leasehold interest, or whether of the reversion, is very erroneous.

3363. The erroneous estimate leads to the difference between him and you, he saying that the sum should be 290 *l.* for the reversion, and you saying that it should be 513 *l.* or 445 *l.*?—It is the error of the principle which he takes which operates in each case; it is not that either case operates upon the other, but it is that an erroneous principle is taken, which operates upon both.

3364. Will you tell me the table which you should adopt in calculating the value of a lease for 30 years of a house, the fee of which we have calculated by the 6 per cent. table?—You have to provide more especially against the par-

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ticular danger to which I have referred, which is the great danger in purchasing a leasehold interest, viz., that if you do not have your income in the earlier portions of the term, you not only lose your income, which you do in the case of the fee, but you lose all the interest on it, and that interest is to return you your capital sum at the end of the term; therefore you must always take a considerable space upon that account, and in this particular case, I do not think that anybody could be safely advised to give more, certainly not much more, than 1,000 *l.*

3365. Mr. *Ingham.*] There is no question between you and Mr. Paynter as to the accuracy of the computation upon the 6 per cent. table?—No; I assume its accuracy.

3366. Upon the 6 per cent. table, with 30 years, the leasehold would be worth 1,300 *l.*, and the reversion after the expiration of the term 290 *l.*?—Yes.

3367. I understand you to say, that although you calculate 6 per cent. as the interest, popularly so called, to be had for a house, yet in truth, to use the word "interest" is a fallacy, and that a portion of that annual sum is interest, properly so called, upon the capital sunk in the house, and the residue is a kind of indemnity against the risks to which house property is subject?—That certainly is so.

3368. You explained a portion of those risks; the chance of the house standing empty, or the extraordinary risk of the house being burnt down; at any rate, there is the insurance to be paid to guard against that risk, and that is the ground upon which 6 per cent. is considered to be the sum which ought to be returned by house property in order to indemnify the purchaser?—That is so.

3369. Suppose I give 400 *l.* for a bare site of ground, and expend 2,600 *l.* upon the building, what is the value of the house and of that site after I have completed the erection?—If I am to assume that after expending 2,600 *l.* on the house, the house is saleable at 2,600 *l.*, then the value in fee would be 3,000 *l.*

3370. It is worth what it has cost at the time that it is constructed?—We will assume it so to be.

3371. Taking the distance of 30 years, what would be the value of the property quite independently of the loss from want of occupation, which might be compensated for by the 6 per cent,; what would be the value of the corpus of the erection at the expiration of 30 years, looking at the probable deterioration from time, and also the chance that the situation might be injured by the opening of other streets?—I have said that if the present value was 1,666 *l.*, our mode of calculation would in fact assume it either at 1,250 *l.* or 1,080; therefore, if you make application of that scale to 3,000 *l.*, you will find, I think, that it comes out at 2,250 *l.* and about 2,000 *l.*

3372. You say that you discount it at rather a high rate of interest, 4 or 4 ½ per cent., in order to give an equivalent for that deterioration which it may be supposed to have undergone in the lapse of 30 years?—Yes.

3373. Suppose it was a sum of which the permanency was unquestioned; suppose that instead of being house property, which would be deteriorated at the end of 30 years, it was a deferred endowment granted by a body of which the solvency was unquestionable, and where the grantee would be manifestly certain of receiving at the end of the 30 years the very amount which existed at the time when he proposed to discount it; suppose he went into the market and discounted the sum, 1,000 *l.*, which there was no doubt of receiving, at what rate per cent. would he get any person to pay him present money for it?—It would depend entirely upon the interest that the person who was the owner of it had in the sale; if he were unable to hold his distant interest, he might possibly sell at 8 per cent., 7 per cent., or 6 per cent. discount.

3374. I do not put any question at all as to his interest; suppose the Government, instead of granting deferred annuities, granted a deferred endowment, and gave it to the party, they making the contract that he could assign it to anybody else, there being no question of enabling a person discounting the amount to receive it in full by himself or his representatives at the expiration of the 30 years, at what rate of interest in the market could you get that reversionary sum discounted at present?—In a case of that sort, it would answer the purpose of the person who granted it to purchase the reversion at any sum exceeding the actual ordinary current interest of the day.

3375. In order to discount that sum, of which the certainty is unquestioned, you have to give a rate of discount exceeding the ordinary interest of the day?—Somewhat exceeding it.

3376. What

3376. What do you consider the ordinary interest of the day, 4 or 4 ½ per cent.?—No; the ordinary interest of the day, that is to say, the interest which you can obtain at this time, is, I believe, usually taken (and I certainly am not prepared to assume it higher than that rate of interest) at 3 per cent.

3377. Then the calculation which you have given is upon the assumption that 3 per cent., which is the lowest rate of interest given for landed property, which every person buys upon the expectation of ultimate improvement and increased return, fairly represents the ordinary rate of interest which a person will be willing to allow when he expects to get nothing but a fixed sum, incapable of increase, at the end of 30 years?—I consider that 3 per cent. is the ordinary rate of interest at this time, taking interest in its true sense; and I conceive that reversionary interests should be estimated at a sum which at this time invested so as to produce 3 per cent. not only simple interest, but 3 per cent. compound interest, during the term, would produce the value in fee of any estate at the end of the term. In the case of landed estates, there is no reason to suppose that at the expiration of a 30 years' term, the value of the estate would be at all decreased; and in the suggestions which I originally put forward, I assumed that the Church should sell her reversions in landed estates at the end of 30 years at a discount of 3 per cent., considering that except the reversion was sold at that discount, it would be impossible for the Church to stand in the same position at the end of the term. In the recommendations which have been referred to before, instead of discounting at 3 per cent., it was determined that the two interests should be taken upon the same tables, and it was consented to. The difference between 3 per cent. and 3 ½ per cent., the usual scale of the valuation of estates at the particular time (consols being at that time almost at 100) was very small; and therefore, instead of discounting at 3 per cent., which I thought at that time, and still think, is essential to put the Church in possession of the same sum at the end of the outstanding term of 30 years, it was substituted that the two should be taken on the same scale; and it was afterwards added that rentcharges should be treated in the same manner. But with regard to houses, it was very distinctly perceived that if houses were estimated on the principle advised for lands and tithes, it would operate so injuriously to the Church interests, that the Church would not have even the present income which it receives from the estate, and therefore the House of Lords abstained from making any recommendations with respect to houses, and added at the end of the Report the sentence which you have heard to-day, saying that with respect to house property, the Committee entertained doubts.

3378. You think that in the case of a reversionary sum to be received, there being no question as to the amount of the sum, it ought to be discounted at something above the ordinary rate of interest?—The ordinary rate of interest I take to be 3 per cent at this time. In the case of acres and tithe rentcharges, the Church has agreed, as I may say, to take the discount, instead of at 3 per cent., 3 ⅓ or 3 ½ per cent. But with regard to houses, it was obvious that the principle of dividing the fee according to the rate indicated by the year's purchase would prove not only so disadvantageous to the Church, but so unfair, substituting an income even less than the present income, that it was set aside as a thing not to be entertained.

3379. Do you think that if the sum received at the end of 30 years was 1,000 *l.*, and there was no question that it would be received in that entirety, you could get the present payment of it discounted at a lower rate than 4 or 4 ½ per cent.?—I think that the only person who could discount it under that scale is the proprietor of the estate. If he simply holds the estate, he has no cost, no anxiety, and no anything during the interval. The estate simply comes to him, and the only question for him to consider is, What reasonable value in fee can I anticipate that I shall receive at the end of the term.

3380. Where there is no question as to the fluctuation of the sum, but a positive certainty that the sum proposed to be discounted will be received in its entirety at the end of the 30 years, at what rate of discount do you think practically a person could expect now to realise it; anything less than 4 and 4 ½ per cent., which are the two sums you have mentioned?—To the person who is to come into it at the end of the term, that is a simple question for himself to consider. If, as is ordinarily the case, a person in the possession of a reversionary interest is desirous to sell it, he must consent to a sacrifice. If he has not any

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desire to sell it, in that case he will simply, as I said before, have to consider the probable sum that he would receive at the end of the term.

3381. Then whatever may be paid, in the case of a sum to be received without any diminution, a greater amount of discount ought to be paid, according to your own statement, with a view to the perishable nature of property consisting of houses?—Exactly.

3382. So that it resolves itself into a question, not so much of principle as of the rate of discount; whether it is at a sufficiently high rate of interest to represent the value?—That is so.

3383. You said, that if sales took place upon the terms which have been proposed, the Church would not be able to raise from the property, after the enfranchisement, the same amount of income which it enjoys now?—That is so. That, I think you will perceive, is all set out, if you turn to a case which I put before the Committee, in the Appendix to their First Report, page 413.

3384. Has it ever occurred to you, that according to the present system, the Church really gets, from its house property, perhaps a larger amount of income than any other proprietor?—If you would only induce other persons to agree with you, the Church would be happy to cease these sales immediately. The whole anxiety for sale comes from the other side; from the lessees.

3385. Up to the present time, no doubt that has been so, and there may be many cases where, from the chances possibly of improving property, or from a particular attachment to certain localities, large sums have been given, and there has been great anxiety to have enfranchisement. You stated that in the case of fines, where houses were renewable every 10 years, the sum of 125 *l.* was the ordinary rate of fine?—Yes, it is so.

3386. About what amount of annuity for 10 years would the present payment of 125 *l.* purchase?—I suppose about 14 *l.* or 15 *l.* a year.

3387. What is the average amount of ground rent do you think that an owner in fee gets for a house in a fair situation, in proportion to the rackrent?—Something over one-sixth of the annual value of the house; if it is 100 *l* per annum, he would have about 18 *l.*

3388. Then it would appear from that that the fine, if commuted into a ground rent, would not exceed the ground rent which a landlord would get for his property?—No, it is not so high; and in the case of the 18 *l.*, you have the 18 *l.*, and you generally have the reversion of the estate at the end of the 99 years.

3389. Mr. *Wilkinson.*] The difference which exists between you and Mr. Paynter, as to the mode of valuing these properties, can of course only be of consequence in the case of any compulsory arrangement between the Church and the lessee?—That is so.

3390. Is there at present any compulsory arrangement between the Church and the lessee?—Certainly not.

3391. Have you lately sold the reversion of any house property on account of the Church?—Constantly.

3392. Has it been sold on your estimate, or on Mr. Paynter's?—On our estimate at all times.

3393. So far as the market value of the property goes, it turns out that your estimate is the more correct of the two?—I think so; in fact, I could hardly suppose that Mr. Paynter had seriously entertained the idea which he gave here the other day.

3394. What is the reason why the Church cannot accept Mr. Paynter's terms, and why the Church can accept your terms?—There is no doubt the Church can obtain the terms I have named, because it has obtained them under our Act, and it actually obtained the same terms under the only other Church sales; the sales under the Act for the redemption of land tax; it obtained about the same scale there.

3395. *Chairman.*] This plan of yours was not laid down by the Committee of the House of Lords?—No.

3396. Has it been adopted by the Church Estates Committee?—In all cases.

3397. You suppose, as far as you know, that they mean to adhere to that plan, unless the Legislature shall decide otherwise?—Certainly.

3398. Do you think that there is any great advantage to the Church in selling these reversions; would not house property, upon leases renewable from time to time, with a species of ground rent or rentcharge, be as good a kind of property as they

they could hold?—Under certain restrictions perhaps it would be so; and the desire for sale is not on the side of the Church, but the sales are in consequence of the urgent desire of the gentlemen who hold the property.

3399. Supposing buildings to improve, and to be increased generally, would not there be a great advantage in the Church holding that land, and not selling the reversion?—I think so, certainly; but it all depends upon the terms obtained.

3400. Mr. *G. Butt.*] You say that if there were great improvements in the property it would be to the advantage of the Church to hold it, but those improvements which you have contemplated would be made by the lessee?—Certainly; he having an adequate term to afford him remuneration, as he has at present.

3401. *Chairman.*] Is not it the usual mode with regard to a private proprietor, that the lessee makes the improvements?—Yes, that is so; and it is in evidence that 300,000 *l.* has been sunk on this particular estate since 1818, for the improvement of the property.

3402. Mr. *G. Butt.*] Do I rightly understand you, that you mean to adhere to your answer, that 3 per cent. is the ordinary rate of interest now?—Of interest in the true sense of "interest;" all that you have beyond 3 per cent. on any estate at this time is a return for your hazard or risk; it is insurance, in fact, and you only have an actual return, as a general rule, of 3 per cent. in the shape of interest.

3403. Am I to understand you then to say, that at all times 3 per cent. is the ordinary rate of interest, and that all above is the representation of such things as you have mentioned?—Not at every particular time; it was so, on an average, at the time when I gave evidence five years ago; and I should be sorry to sell any estate at this time, except on the assumption of a 3 per cent. permanent rate of interest, in the sense of interest, for the ensuing 50 years.

3404. Take the last two years; do I rightly understand you to say that 3 per cent. would be the ordinary rate of interest during that time?—The last two years are two years of a perfectly exceptional character.

3405. Mr. *Wilkinson.*] Is not the mode of reckoning interest in this country generally determined by what can be obtained in the public funds?—That is ordinarily so; at the same time, even there you have a degree of cost, so that the actual interest which you obtain is always, though to a very small degree, something under the return from the public funds.

3406. If I lend 1,000*l.* on mortgage, cannot I get more than 3 per cent.?—Certainly; because you have the hazard; the mortgage deed may be forged or otherwise unsound.

3407. Marquis of *Blandford.*] What are the cases in which you suppose that the basis of interest, as you may call it, could only be obtained; namely, 3 per cent.?—If you take Consols in the public funds as the kind of security which has the smallest degree of hazard, I think you will be as near to it as you can be.

3408. But not actually upon it?—No, because in that case you have a certain degree of hazard.

3409. Is that interest which you speak of an actual and practical quantity, or simply an ideal and theoretical quantity?—It must come under the second category, because in every case it is obvious that, in obtaining your return, you must incur some degree of hazard and risk, however small.

3410. Mr. *E. Denison.*] At the time that you state 3 per cent. to be the rate of interest upon which you calculate what would be the rate of interest that a purchaser would fairly look to in the purchase of freehold landed estate?—I think that in that case he would desire to obtain something over 3 per cent., but in a very small degree; if he actually received about 3 ⅛ per cent. after all costs incurred, I think he would receive all that owners ordinarily do receive.

3411. Then you would put the rate of interest upon which your calculation is made, lower than the rate which a person would expect to receive from the purchase of landed property?—Obviously.

3412. *Chairman.*] Will you now proceed with your explanation?—The other point upon which I have to trouble the Committee, is to request them to refer to page 12 of Mr. Paynter's evidence, in which I propose shortly to show you the precise cause of his maintaining this particular view; you will find there that he has suggested that the holders under him should be authorised to enfranchise: "Provided always, that if any sub-lessee shall purchase the reversion, he shall go on to pay him the rentcharge which he now has upon the property; now the interest which Mr. Paynter has, as between himself and the Church, is simply an

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interest during his existing term; when his term ends, when the lives on which he holds it die, his interest ceases, and the Church enters into possession of the whole estate; that is how the case stands. The holder under him, if he were able to come to the Church and purchase the reversionary interest, would be charged according to the estimate which you had before you, something between 450 *l.* and 500 *l.*; but Mr Paynter says, Instead of that, pay the Church 290 *l.*, and provide that I shall have besides my rentcharge. What has he to do with a rentcharge as between him and the Church, after the expiration of his existing term? He is obliged to reduce the price of the reversion to the Church, in order to afford room for the imposition of his rentcharge; his rentcharge is, according to his evidence, about 33 per cent., one-third of the annual value of the property; and the question for the gentlemen who have sunk the 300,000 *l.* upon the estate, and improved it, is, whether they prefer to pay the Church between 450 *l.* and 500 *l.*, and have the property free to themselves from and after the end of the existing term, or whether they prefer to pay the Church something under 300 *l.*, and to pay to Mr. Paynter a rentcharge, which is equal to a second 300 *l.* If they had the opportunity of purchasing the reversionary interest in the Church, they would obtain their property at from 450 *l.* to 500 *l.*, but if you introduce this provision, as suggested to you, they will pay the Church 300 *l.*, and instead of a further 150 *l.* or 200 *l.*, they will have to pay in perpetuity a permanent rentcharge equal to 300 *l.* The cost to those gentlemen would be 600 *l.* instead of 450 *l.* or 500 *l.*; but there would be a rentcharge to Mr. Paynter instead of a sum of money to the Church. And if you refer to the first Church Estates Act, the 14 & 15 Vict. c. 104, you will find in section 3, a section which refers to this particular subject, and which you have in evidence was introduced by Mr. Paynter himself. That section has in the interval received two interpretations as to its object. It was firstly introduced to protect the interests of the sub-lessees; and it secured their interests by being so drawn that the sub-lessees were unable to enfranchise, so that it prevented the sub-lessees from having the chance of enfranchising themselves.

3413. Sir *J. Graham.*] That is one interpretation; you say there were two interpretations?—The first interpretation was, that it was intended to protect the interests of the sub-lessees; and then the subsequent interpretation has been, that the sub-lessees are unable under it to enfranchise. The interpretation of the object of its insertion is what I meant.

3414. You used the expression that it secured the sub-lessee from enfranchising; do you mean to employ that word "secured," or do you mean that it subjected them to the necessity of not enfranchising?—I would alter the term as now suggested.

3415. Mr. *E. Denison.*] Looking to any future legislation, have you any suggestion to make which you think would be just to the sub-lessees?—This case was first mentioned to me by the solicitor of the See of Winchester, in June last year, and I called his attention to the evidence which had been given before the House of Lords and before the Earl of Harrowby's Commission on the subject, and advised him to read that evidence through before he went any further. When I saw him again he pointed out to me the peculiarities, both in the evidence and in the Act, and he considered that it would be very inexpedient to take any course without having entered into considerable detail. He is here, and he can explain to you all that has happened since; but I am unprepared at this time to state how the interests of the sub-lessees should be taken care of; and I am peculiarly so because the case has never been under the view at all of the Church Estates Commissioners. I have only been asked, as I am often asked in other cases, cases of intricacy, how I think it should be handled, and in those cases I answer as I best can; perhaps I should add, that in those cases I have not any compensation for answering.

3416. Looking at this question in a broad point of view, the case of the sub-lessees is an important matter?—I should consider that the case of the sub-lessees is of greater consequence than the case of the gentleman whom you have here, Mr. Paynter.

3417. Do you think that the clause which at present stands pointing to those interests, does require some alteration?—Certainly.

3418. But in what way that alteration should be made, you are not at present prepared to state?—No; I think I should prefer not to give any opinion upon that point at present.

3419. Mr.

3419. Mr. *Ingham.*] Are you correct in saying that it is the third clause which was introduced by Mr Paynter, which prevents the sub-lessees from enfranchising?—It is in Mr. Paynter's own evidence.

3420. The first clause gives power to the ecclesiastical corporations to convey the reversion to the lessee; then the interpretation clause says, "The word 'lessee' shall include any person or body corporate in whom any subsisting lease or grant, or the term, or estate thereby granted in the whole, or in any part of the lands comprised in such lease, is either by the original grant or demise, or by assignment, devise, or operation of law for the time being, vested." That does not take the case of a sub-lessee, but a person who represents as to the property to be enfranchised, the entire interest of the party who had the lease originally granted to him; so that whatever operation it might have, it would not be a part of Mr. Paynter's object in introducing the clause, because the sub-lessees are prevented by the interpretation clause, from themselves having any advantage from the Church?—I should be sorry to give an opinion positively, but I should almost think that the interpretation clause was altered after it was originally drawn, in order to suit the case.

3421. Mr. *G. Butt.*] There is no Act of Parliament which alters the relation of the Church with its lessees, and gives the same relation applying to the Church and the sub-lessees?—It was all settled at the entrance of the old House of Commons, and I cannot say exactly how it was altered.

3422. Is not the object of the third clause to secure to the sub-lessees the benefit of their covenants for renewal upon payment of a proportionate part of the fine which is paid by the lessee to the Church, together with a proportion of the cost in respect of the enfranchisement?—No, I should suppose from the evidence which was given, and the scheme proposed now, that the object is to secure that, over and beyond the sum the sub-lessees would pay to the Church, the existing income received by Mr. Paynter should be secured to him in perpetuity. That is the clear object.

3423. The clause proposed by Mr. Paynter is nearly conditional, that is, Mr. Paynter said, that in case an alteration were made in the law, by which sub-lessees were enabled to enfranchise, then it would be necessary to have such a clause as this to protect the interest of the lessee; but Mr. Paynter said that he thought it would not be advisable to alter the law so as to give the sub-lessees that right of enfranchisement; and in answer to the Right Honourable gentleman who asked him, "Would it not be a strong thing to alter the relations of the Church with its own tenants by Act of Parliament?" he said that he thought it would; that the only way in which he could deal with the subject would be to leave the lessees and their sub-lessees to arrange together the mode in which the enfranchisement should take place. This clause, which is set out in Mr. Paynter's evidence, is upon the assumption that a law is passed, enabling the sub-lessees to enfranchise; it is merely conditional?—The interpretation of the Acts I cannot give, but I have given before, and will give again, the pecuniary action. The sub-lessees, instead of paying 450*l.* to 500*l.* to the Church, would have to pay 300*l.* to the Church, and another 300*l.* to the lessee.

3424. Sir *J. Graham.*] You have stated that as the law now stands, an interpretation has been put upon that clause 3, which acts as a bar to enfranchisement by the sub-lessees?—That is so.

3425. By whom has that interpretation been put, by a court of law or by the Estates Committee?—It has not come before either of those two parties.

3426. Then by whom has the interpretation been put to which you refer?—The solicitor of the see is here, and he can tell you precisely as to the course which the affair has taken since it was opened last summer; he can explain that point.

3427. Then the word "interpretation" used by you, does not refer to the decision of a court of law, or to a decision by the Estates Committee?—It does not.

3428. Mr. *Ingham.*] Was I right in understanding you to state that 450*l.* would be paid to the Church, as the consideration for enfranchisement.—Yes, in the case assumed.

3429. And that that would be paid by the sub-lessees?—By the parties interested.

3430. But that, in the case of a bargain being made by the original lessee, the sub-lessees would have to pay, in addition to that, a rentcharge?—Yes.

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3431. Still the Church would receive the same sum of money?—Not at all.

3432. I understand you that 450 *l.* to the Church would be the value of the Church's interest?—Upon the system which I act upon.

3433. If the chief lessee proposed to the Church to purchase the reversion, of course the only consideration which the Church would look to, would be the amount of money paid; they would not allow him, in calculating the sum he was to pay, to lessen that sum by any consideration of the rentcharge which he was to receive; the Church would get the whole value of the reversion?—But obviously, if he pays the Church the whole value of the reversion, there is then no room for the insertion of his rentcharge. Therefore he would refuse so to pay, and he would shape any other scheme with the view of saving himself from so doing.

3434. Of course the Church would not enfranchise at all if they could not get the value?—Decidedly not.

3435. Supposing the Church gets the full value, it is a matter of contract between the lessee and his sub-lessees. They are bound to pay for the benefit they receive; and beyond that, for the privilege of coming into the property at the expiration of the lease, they pay him a rentcharge. Supposing the contract be that he is perpetually to renew, if he has the opportunity, and that they are perpetually to find him the means of paying for the renewal, and in addition to that a rentcharge, would it be fair on the part of the Church so to deal with the lessee, as to deprive him of that perpetual accruing rentcharge, which is a part of the original consideration for letting the sub-lessees come into the occupation of the premises?—The assumption which you go upon is, that it is a rentcharge in perpetuity; that is between the lessee and the Church. I was showing you a peculiar reason for the argument being urged that the Church ought to receive 290 *l.* instead of 500 *l.* I have already said that I am not prepared to give an opinion as to how the case is to be ultimately settled.

3436. Supposing the Church get the full value of the reversion from the chief lessee, how is the interest of the Church injured if, by a private bargain made without reference to the Church, between him and the occupying tenants, they bind themselves to pay the equivalent of the enfranchisement, and also to pay him a rentcharge?—The precise object that I am here for is, because Mr. Paynter objects to pay the particular sum, because it will not answer his purpose.

3437. Because the Church will sell for nothing less?—Certainly not.

3438. Mr. *G. Butt.*] The interest which a lessee of the Church, with a covenant for perpetual renewal has, is substantially an estate for ever, paying the proper fines upon renewal?—Do you mean as between him and the Church?

3439. Yes.—He has not anything as between him and the Church, with respect to having anything in perpetuity.

3440. The Church lessee, if he has not a covenant for perpetual renewal, cannot legally contract with his sub-lessee giving him a covenant for perpetual renewal?—I acquiesce in that.

3441. Take the case of the Bishop of Winchester; is there not a covenant for perpetual renewal with the lessee?—No; not in any case under the Church; there is not such an instance from end to end of the whole Church estates, except under special Acts of Parliament.

3442. Mr. *E. Denison.*] These buildings would not have been constructed unless upon the confidence of renewals under the Church?—Exactly; and it is because of it that I say that those persons who have sunk the 300,000 *l.* are the persons to be considered.

3443. But you took Mr. Paynter's term just now as necessarily expiring at the end of the existing lives?—It was open to expire at the end of the existing lives.

3444. Then what became of the interest arising from the long-established principle of renewal?—Exactly. That is the difficulty.

3445. Mr. *Wilkinson.*] Do I rightly understand you to say, that supposing it were recommended that the sub-lessee should have the power of enfranchisement, you are not prepared to say at present what should be done with the interests of the chief lessee?—That is so.

Simon Dunning, Esq., called in; and Examined.

3446. *Chairman.*] DO you wish to make any statement with respect to the practice pursued as to house property by the Bishop of Winchester?—I wish to explain to the Committee what has taken place upon the subject, between Messrs. Pott and Mr. Paynter, as the lessees of this Southwark property, and the Bishop of Winchester. I will take first the case of Messrs. Pott, as they were the first persons to apply for an enfranchisement. On the 25th of May of last year Messrs. Pott wrote to the Bishop of Winchester, requesting his Lordship to enfranchise a property which they held under the see in Southwark. The bishop consulted my partner Mr. Burder, and myself (who act as his Lordship's secretaries and solicitors) on the subject, and the property being very large, and of course the interests of the see very extensive, it took some little time to consider, and we had also to make a communication to the Ecclesiastical Commissioners; but on the 25th of June 1855, I wrote this letter to Messrs. Pott: "We have now to inform you that the Bishop of Winchester has considered your application to enfranchise that portion of the property of the see of which you are the lessees, and that his Lordship will comply with your request. The enfranchisement must be effected in the usual way, with the consent of the Church Estates Commissioners, and a survey and valuation of the whole property by the bishop's surveyor will be required. It is right we should inform you that the bishop can in no way be a gainer by the enfranchisement, and of course he must not be put to any expense. If the transaction be completed the expenses incurred by his Lordship will be paid by the Commissioners, but not otherwise. Under these circumstances it is usual to request the lessee to give an undertaking to pay the expenses of the bishop's surveyor, and the other charges which his Lordship may be put to (which will be but trifling), in the event of the enfranchisement not being effected. We need scarcely remind you that the survey in the present case will be a heavy one. We shall be happy to give you any further information on the subject." I should explain to the Committee that we usually require undertakings of that kind to prevent the corporation being put to expense which it has no means of repaying. When I wrote that letter I was not aware of the peculiar nature of this property in Southwark, having been only for six months previous engaged for the Bishop of Winchester; but shortly afterwards I happened to mention the application to Mr. Smith, and he referred me to the evidence given by Messrs. Pott and by Mr. Paynter, before Lord Harrowby's Commission, and also before the Committee of the House of Lords. I read that evidence, and it occurred to me that the interest of the sub-lessees was clearly the largest interest; that the interest of the lessees was merely a rentcharge. It appeared also to me that the sub-lessees were the persons who had laid out the money in the improvement of the property, and that therefore the enfranchisement ought properly to be to the sub-lessees, and not to the lessees. I explained my views to the bishop, and he approved of them. In consequence of that, I on the 9th of July wrote to the solicitor of Messrs. Pott and asked him to send me a statement, showing all the sub-lettings of the property; and on the 13th of July I wrote to him another letter, taking expressly the point I have mentioned, that I thought the enfranchisement should be to the sub-lessees and not to the lessees. After that a considerable correspondence passed between the solicitor and myself, and I had repeated interviews with him; and on the 23d of November Messrs. Pott wrote a letter to the bishop, appealing against the determination which I had arrived at. That letter was answered by me on the 9th of December. Both the letter and answer are very long, and I think I need not trouble the Committee with them, because the next letter which I will take the liberty of reading takes the whole of the points; and I think that letter and the subsequent correspondence will explain to the Committee as shortly as I could do if I did not read it, what the points in question really are. It is a letter from Messrs. Pott, dated the 24th of December 1855, and is written in reply to my answer to their letter to the Bishop of Winchester. "Gentlemen,—We have received your acknowledgment of our letter of the 23d ultimo, addressed to the Bishop of Winchester, on whom we should not have obtruded ourselves if he had not formerly encouraged us to communicate directly with himself instead of through the medium of his solicitor. His Lordship having thought fit to revoke that permission,

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mission, may be assured that we shall be careful not to trespass on him in future. Your letter we shall, of course, place in the hands of Mr. Francis, but as he can scarcely be expected to give it the attention it demands at this season, we must, in the meantime, observe that it does not in the slightest degree tend to remove, or even to weaken, our objections to the mode of enfranchisement you propose, to convince us of the bishop's power to stipulate for conditions beyond those authorised by the Act of Parliament, or of the justice of those which he seeks to enforce. We have no objection to furnishing you with a statement showing the number of the sub-lessees holding immediately from us, and the extent of their holdings, as you say Mr. Paynter has done; although we understand that his compliance has not had the effect of expediting the matter in hand on his behalf. But we have no means of ascertaining the numerous sub-lettings or the various ramifications by settlement, bequest, mortgage, or otherwise to which the property has become subject, a detail of which would, of course, be necessary to enable you to extend your measure of justice, as you consider it, but which we regard as one of unqualified spoliation, to the lessees, sub-lessees, and assigns of the sub-lessees. We are at a loss to understand what you mean by calling the sub-lessees the great benefactors of the property, and therefore refrain from any notice of that opinion. We are persuaded that you do not understand the nature of our leases, which you 'assume to be similar to those of Mr. Paynter.' They are similar, but not identical. There is a very important difference between them, for whereas Mr. Paynter's sub-lessees covenant to pay, on every renewal, such a proportion of the fine as the value of their respective holdings bears to that of the whole estate (an arrangement which renders a separate valuation of each holding indispensable), ours covenant to pay such a proportion thereof as 2 *l.*, 5 *l.*, 10 *l.*, or some other given sum bears to the sum of 1,170 *l.*, without any reference to the value of each holding, an abatement having been made from the reserved rent equivalent to the estimated amount of fine which the tenant would be called upon to pay on a renewal; so that a tenant having covenanted to pay such a proportion of the fine as the sum of 5 *l.* bears to the sum of 1,170 *l.*, would, by laying by that sum annually, be provided with the amount of his fine whenever a renewal took place; and if he had done this from the period of the last renewal in 1820, would now be in possession of a much larger fund than would suffice to pay his share of a fine on a renewal at the present time, in which light alone we contend the enfranchisement is to be dealt with as it regards him. And be it remembered, that this sum has been virtually accumulated by the lessee, who would have stipulated for, and received, a larger amount of annual rent, if the sub-lessee had not covenanted to take this payment on himself. The abatements made to our sub-lessees in this way have exceeded 800 *l.* per annum, which sum, if laid by, as it would have been by us, and as it has no doubt been by many, and ought in common prudence to have been by every one of the sub-lessees, would now amount to nearly 60,000 *l.*; so that although the sub-lessees appear to pay the fines on renewal, and would appear to do the same in respect of the enfranchisement, if made to us, they will in reality have been furnished with the money by us. In this particular the leases of Mr. Paynter and ourselves are identical, but our arrangement having no reference to the value of each separate holding, calls for nothing more than one survey and valuation of the entire estate; and accordingly this has been the mode adopted on every renewal. In answer to your question, 'Whether the lessees are not in justice more entitled to the option of purchasing the reversion than ourselves?' we answer most decidedly, 'They are not.' The Legislature has enacted, by a clause in the Act of Parliament revised and inserted by Sir W. P. Wood, the then Solicitor-general, a lawyer of no mean calibre, who had given the subject ample consideration, and will hardly be suspected of sanctioning an act of injustice, that the sub-lessee shall be placed in the same position and have the like rights against the original lessee, who may have become the purchaser of the reversion (to whom alone the Act contemplates the sale), as they would have had in cases of renewal under the covenants of their leases, but does not add to or increase those rights, or give them the option of purchasing. The lessees, moreover, have already made a large sacrifice (to the tune of between 50,000 *l.* and 60,000 *l.*) in favour of the sub-lessees by abatements from their annual rents, in order to enable them to meet the fines on renewals, the accumulations of which, or a part of them, if they amount to more than may be required, ought to be applied

applied to securing to them (the lessees) the enfranchisement, as they must have been under the covenants of their leases if a renewal and not the enfranchisement had been in contemplation; of the advantages of which enfranchisement they will be equal participators with the lessees, by acquiring an immunity from future fines, in addition to the continuance of their reduced rents. You cannot see 'how our arrangement can be beneficial to the sub-lessees, as it is obvious they will have to pay twice over for the same thing; 1st. in the cost of the enfranchisement, and 2dly, by an annual rent.' We have shown that this is not the fact: the first of these payments has been provided for at the expense of the lessees, by an annual abatement from their bye-gone rents, more than equal to its assumed amount, and the same abatement will be made in perpetuity at a cost of between 800 *l.* and 900 *l.* per annum, subtracted from the pockets of the lessees, and transferred to those of the sub-lessees. These appear to us no small benefits; but in addition to these, they will have the advantage of all future improvements of the property, from which the lessees can never derive an increase of rent. We think we have shown sufficient ground for the enfranchisement being made to us, on the completion of which we propose to grant to the sub-lessees leases in perpetuity (not grants in fee), at their present rents, with exemption from all fines in future, in strict conformity with the Act of Parliament and the covenants of their present leases. Nothing can be more simple or easier of accomplishment than this arrangement; moreover, it is that which the law prescribes; while yours involves the disturbance or rather the annihilation of all existing engagements, covenants, and connexion between the lessees and sub-lessees, with a conveyance of the soil to the latter instead of to us, which it is evident the Legislature did not contemplate any more than the division and subdivision of the property. Surely you cannot seriously expect our assent to such a scheme. We should consider that we had forfeited all title to the character of gentlemen and men of common honesty (to which we presume to lay some claim), as well as to the esteem and confidence of our tenants, which we are happy to know we have always enjoyed, if, as you seem to insinuate, we had kept them in ignorance of any part of this question. We notified to every one of the sub-lessees holding, *toties quoties*, renewable leases, by the accompanying circular (which proves that we contemplated the purchase of the reversion by ourselves, and the grant of leases in perpetuity to them), our expectation of effecting the enfranchisement on the principle we now propose, and from one only have we received an intimation that he considered it ought to be made to himself. Subsequently we have conversed with several of the most intelligent of them; we have made no secret of the nature of your scheme, and the difficulties it opposes to the completion of the matter, and have had the satisfaction of finding them all (with the single exception we have mentioned) concur in our view; and if we are not misinformed, a large body of them have petitioned the bishop to enable us to carry that view into effect. In reply to your observation that 'you do not understand Mr. Turner and Mr. Curry to advise that the bishop cannot legally effect the enfranchisement in the way you propose,' we can only refer you to the letter of their opinion, which, if words have any meaning, is incapable of any other construction by unprofessional understandings. Have the goodness to read again the three concluding paragraphs (they are very short) of that opinion, commencing 'As the Act is not compulsory,' &c., and we think you will no longer entertain a doubt on the subject. But be this as it may, the measure is so preposterous and suicidal, that it is impossible for us to concur in it. We think that an interview between us, at which Mr. Francis should be present, would be the readiest way of establishing a good understanding on the question at issue, and would therefore propose that we meet in Parliament-street, or anywhere else that would suit all parties, on a day convenient to all, in the week commencing on the 7th of January, by which time the Christmas holidays will have terminated." After that letter, Messrs. Pott forwarded me a book containing the particulars of all their sub-lettings, preparatory to the meeting which they proposed should take place, and which we were willing should take place, in order that we might clearly arrive at some proper understanding on this very important subject.

3447. Mr. *Ingham.*] Is the Mr. Turner mentioned in the letter which you have read, Mr. Francis Turner, the conveyancer?—I believe he is. Messrs. Pott had forwarded me the opinion of Mr. Turner, a conveyancer, and a Mr. Currey. The opinion I considered merely went to this, "What was the meaning of the

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word "lessee" within the Act of Parliament, about which I had no doubt myself.

3448. *Chairman.*] Did the interview to which you refer take place?—The interview took place. Before I go to that, I think it is necessary to trouble you with the answer which I sent, requiring some information before the interview; it was after they had furnished me with the particulars of the sub-lettings; it is a letter dated the 10th of January 1856: "We have looked through the book you were good enough to send us; but before arranging a day for the proposed interview, there are one or two points upon which we should be glad of some further information. Assuming the valuation of the reversionary interest of the see in all the property which you hold by lease to have been agreed between yourselves and the bishop, we gather from your communication that each sub-lessee is, first, to pay to you such a proportion of the sum agreed to as 2 *l.*, 5 *l.*, 10 *l.*, or some other sum named in his lease, bears to the sum of 1,170 *l.*; and, secondly, that he is also to pay in perpetutity his present rent, and the redeemed land tax upon the property he holds. In order that we may be sure that we correctly understand the mode in which you propose to deal with the interests of the sub-lessees, in the event of the bishop agreeing to sell the reversion of the whole property to yourselves, we should be obliged by your explaining the terms of the transaction in the three following cases: 1. Lease granted on the 19th of July 1820, to Messrs. Barclay, Perkins & Co., for 61 years, from 6th April 1820, at a rent of 105 *l.*, and such a proportion of the fine, on any renewal of the lease, from the bishop, and subsequent renewal of this lease, as the sum of 105 *l.* bears to 1,170 *l.* 2. Lease granted on the 14th of February 1821 to John Rawlingson Harris, for 61 years, from 6th April 1820, at a rent of 400 *l.*, land tax of 35 *l.*, and such a proportion of the fine on any renewal of the lease from the bishop, and subsequent renewal of this lease, as the sum of 60 *l.* bears to 1,170 *l.* 3. Lease granted on the 31st August 1844 to Messrs. Cooper & Davis, for 61 years, from the 25th March 1844, at a rent of 30 *l.* We have no notion, at the present moment, of the probable value of the reversionary interest of the see of Winchester in the whole property; but as 1,170 *l.* appears to be the basis upon which you consider all the payments by the sub-lessees should be calculated, we should suggest, for the sake of illustration and in order to place the transaction in a practical shape, that 117,000 *l.* might for this purpose be assumed in your answer as the value of such reversionary interest. Having thus explained as regards these three cases the terms of enfranchisement you propose to offer to the sub-lessees, we shall be obliged by your further stating, in the event of their declining to accept your terms, how you propose to deal with the cases. With regard to the abatement from the reserved rents to which you refer as having been made in favour of the sub-lessees to the amount of between 50,000 *l.* and 60,000 *l.*, we should be glad if you would explain when the abatements were made. For instance, in the before-mentioned cases of Messrs. Barclay & Perkins and Mr. Harris, we should be glad to know, in order that your claim may receive due consideration, the dates of the first leases granted to those parties, the considerations paid thereon, the amount of the rents then reserved, the dates when such leases were renewed, the proportions contributed by Messrs. Barclay & Perkins and Mr. Harris respectively, and the fines paid on such occasions to the bishop, and the abatement made at such periods in the rents reserved by the leases in question, in order to enable those parties to provide for the payment of future fines." The reply to that was from Messrs. Pott's solicitor. The first part of the letter, I think, I need not trouble the Committee with, it was merely reviving a question which I thought had been disposed of, and contending that the bishop having engaged to enfranchise, was bound to carry it out, without superadding any terms to the terms provided by the Act. The portion in reply to my letter, I will read; it is a letter from Mr. Francis, dated, I believe, the 24th of January. "The first questions in your last letter, with respect to the under-leases to Messrs. Barclay & Co., Mr. Harris, and Messrs. Cooper & Davis, seem scarcely necessary, as supposing the bishop's reversion to be as put, 117,000 *l.*, it is clear that Messrs. Barclay & Co. would have to pay for a lease in perpetuity, free from all future fines, 10,500 *l.*, and Mr. Harris in like manner 6,000 *l.*, and that whatever the value of the bishop's reversion should be set at, Messrs. Cooper & Davis would, on enfranchisement to Messrs. Pott, obtain a renewal of their lease for the remainder of their term of 61 years, without payment of any proportion of the fine. And there

are also a few leases of another class, where the under-tenants would be entitled to leases in perpetuity, without payment of any fine." After that, another letter was written asking Mr. Francis what they proposed to do in case Messrs. Barclay & Perkins and the other lessees refused the terms, and his answer was, that the leases would be run out by the lessees. I believe I am right in that. The letter states: "In reply to your letter of the 30th ultimo, 210 *l.* was the annual value, in 1808, of the premises demised to Messrs. Barclay, but it is now greatly increased by buildings; and in the event of their declining to accede to the terms mentioned, being those prescribed by the Act, their lease would, subject to any right which Messrs. Pott might have to enforce the terms, expire with the existing lives or their term of 61 years." After that the meeting took place; it was attended by Messrs. Pott and their solicitor, by the surveyor of the see, and Mr. Smith was also kind enough to attend.

3449. Did you attend?—Yes; it took place at my office; it was with a view, if possible, to arrive at some mode by which this property should be enfranchised; but after much discussion, I regret to say we could not come to any terms. But in order to put the thing in as practical a shape as possible we assented to have an immediate survey made by the bishop's surveyor at our own expense; that is, we did not call upon Messrs. Pott to give an undertaking as regards the expenses of the survey.

3450. That is to say, at the expense of the bishop?—At the expense of the bishoprick, in order that we might be able to inform the lessees and sub-lessees what would be the cost of enfranchising every particular sub-letting of this property.

3451. Did you consult the Act of Parliament upon that occasion?—I no doubt had the Act of Parliament before me.

3452. Do you consider that the Act of Parliament prescribes any definite terms of enfranchisement with respect to house property?—No, I do not.

3453. Mr. *G. Butt.*] I believe there is no provision?—There is no provision; the question which I entertained was simply the question whether the enfranchisement should be to the lessees or to the sub-lessees. I must confess I felt strongly that the sub-lessees were the persons who had expended their money on this property, and that they ought to have some consideration.

3454. But they expended their money under contract with the lessee?—Precisely so.

3455. And in the contracts with the lessee there was no privity whatever between the Church and the sub-lessees?—Just so.

3456. There is nothing in the lease from the bishop to the lessee which at all obliges the lessee to enter into any particular contract or covenants with his sub-lessees?—No, I believe not.

3457. Therefore it is the ordinary case of a landlord who lets to *A.* without any restriction from under-letting, and then the lessee under-lets, making those terms which the parties agree upon; that is the nature of the case?—There is no doubt that there is no privity whatever between the bishop and the sub-lessees, and we could not, without the consent of the lessees, enfranchise to the sub-lessees. I imagine there can be no doubt about that; but I imagine that the 3d section, to which Mr. Smith referred, must be interpreted with reference to the covenants which have been entered into by the sub-lessees in their leases from the lessees. Now those covenants are extremely stringent. Messrs. Pott have themselves put an interpretation upon those covenants in the letter which I have read, namely, that the sub-lessees would have to pay the costs of the enfranchisement on their particular property; and also a rent in perpetuity.

3458. *Chairman.*] That must depend upon the term of their leases?—Those are the terms which they state they would require.

3459. Mr. *G. Butt.*] Mr. Pott could not require any different terms than those which are in the contract between him and the sub-lessee?—The peculiar covenant in those leases was referred to by Mr. Paynter in his evidence the other day, and the covenant is this: that upon every renewal of a lease by the lessee the sub-lessee shall surrender his lease, in order to take a new lease; that the sub-lessee shall pay his proportion of the fine and fees, and of all expenses, to the lessee; but there is a proviso at the end, that the lessee shall not be bound to renew; so that there is no reciprocity in the covenant.

3460. That being the contract of the parties, are you aware that those are substantially the contracts which are made between the lessees of church property and

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and their sub-lessees?—I am not aware of any case at all like that of the Southwark property, where the whole of it is sub-let, and the interest of the lessee is merely a rentcharge.

3461. I do not ask you whether you know of any property so large as that; I am asking you as to the terms of contracts of this kind between the lessees and the sub-lessees; whether they are not almost invariably these, that the sub-lessee shall surrender, paying a proportion of the fine, and a proportion of the cost of the renewal; and that having so surrendered and paid the cost of the lessee obtaining the renewed lease, the lessee is bound to grant him, upon the same terms as his original lease, a new lease for the renewed term; is not that the meaning of the covenant?—I must confess that I never saw any leases like this before.

3462. Mr. *E. Denison.*] Is it not the fact, that these terms all apply to the question of renewals of the lease?—Precisely so.

3463. There is no reference in them to the question of enfranchisement?—None whatever.

3464. Therefore, if enfranchisement is brought about by an Act of the Legisture, not contemplated when those leases were made, it would be the duty of the Legislature, would it not, to look to the interest of both parties concerned?—I consider it the duty of the Legislature to do justice between the parties.

3465. *Chairman.*] With regard to the bishop; the bishop might withhold his consent to enfranchisement altogether?—He might.

3466. Therefore I suppose if he might withhold his consent, he wishes to see that justice is done to both the lessees and the sub-lessees in case of his consent being given?—Precisely; and if the sub-lessees come forward and say that they are willing to have the enfranchisement to Messrs. Pott and Mr. Paynter, the bishop will grant it at once.

3467. Mr. *G. Butt.*] You have stated to the noble Lord what you think would be fair, but you are assuming in your answer that an Act of Parliament should pass, making it compulsory upon the bishop to renew, are you not?—No; it is not compulsory on the bishop; and the Lords, in their Report, have decided (and we respect that Report), that the lessees have no perpetual right of renewal.

3468. Lord *R. Grosvenor.*] I think you have stated that the superior landlord, the bishop, has never been in any way consulted with regard to the contract between his lessees and their sub-lessees?—Never.

3469. Then in any case of enfranchisement, why do you think it necessary that the superior landlord should in any way intermeddle with the sub-lessee at all?—I feel this, that one great object of the Legislature was to do away with this very objectionable tenure of having property held on leases for lives; and that we should not be carrying out the enfranchisement in its true spirit, and freeing the property from that tenure, if we enfranchised simply to the lessee.

3470. Why do you regard it as your business, acting for the bishop, to consider the sub-lessee at all?—I felt that the sub-lessees ought to be protected; an enfranchisement might have been made behind their backs, and they would have had no opportunity of coming forward and saying anything upon the subject.

3471. You, being agent for the superior landlord, who is never consulted either by the sub-lessee or by the lessee as to these covenants, what conceivable necessity can there be upon the superior landlord to interfere in the matter in any way at all?—There is no absolute necessity, more than a desire on the part of the bishop that this enfranchisement, which is of a very large property, should be effected in such a manner as to do the greatest amount of justice to all parties.

3472. Why do you consider that a man who has nothing whatever to do with the contract, should be compelled to interfere with that contract in any way?—I think that the bishop naturally would feel that the sub-lessees were the people who had laid out their money on the land, and that therefore he was bound to throw all the amount of protection around them which he possibly could.

3473. I presume that an equity, such as that which you speak of, must arise from the fact of the person against whom that equity would be claimed, having some cognisance of some transaction which led to the contract, or something requiring some alteration in the contract previously made?—If the enfranchisement had been effected, it would have been behind the back of these sub-lessees.

3474. Will you tell me again what equity the sub-lessees can possibly claim against a man, in respect of a contract with regard to which they never consulted him in any way in the world?—The sub-lessees would have had no equity whatever against the bishop; the bishop might have enfranchised, no doubt, to the lessees.

3475. Mr.

3475. Mr. *G. Butt.*] With the exception of multiplying lawyers' costs, where there are a variety of sub-lessees, what benefit do you propose by a Legislative enactment which should give the sub-lessees a power to enfranchise, they being under peculiar contracts, settling their rights and ascertaining their liabilities with the lessees?—In the first place, I must beg not to admit the correctness of your proposition about multiplying lawyers' costs, because if the enfranchisement was made from the bishop to Messrs. Pott, they must carry out separate arrangements with each of their tenants, so that the same number of deeds would be required.

3476. What advantage do you propose, except making the bishop's solicitor the solicitor of sub-lessees, executors of sub-lessees, and to deal with assignees of bankruptcy and insolvency, which would be the consequence of giving the sub-lessees the power to deal with the bishop in enfranchising the estate?—The deed which the sub-lessee would receive, he would receive direct from the bishop instead of from his lessee.

3477. If he were insolvent, there must be a dealing with the assignees; if he were bankrupt there must be a dealing with the assignees on the bankrupt, must there not?—The same necessity would arise in the enfranchisement from the lessee to the sub-lessee, I imagine.

3478. Again, suppose there are executorships (I am looking to the interests of the Church), would not the bishop have all this complicated matter of business to transact, which I am indicating by recalling your attention to the fact of sub-lessees dying, on administration being taken out, becoming insolvent, becoming bankrupt, sub-lessees going out of the kingdom, the difficulty of ascertaining them, and of getting deeds executed and contracts perfected; all of which would be so many inconveniences attaching to the Church, would they not?—No doubt the trouble would be more.

3479. As the Right honourable gentleman, Mr. Walpole, has put it, I may put it to you; would it not be a strong thing to alter the relations between the Church and its own tenants by Act of Parliament?—There is no doubt of that; but the question is, whether this case is not of such a magnitude as to require the intervention of Parliament.

3480. With reference to the sub-lessees, you are aware of this Act of Parliament of the 14th and 15th of Victoria?—I have it before me.

3481. At present, as you know, there is no compulsory power of enfranchisement?—No.

3482. You are aware that, by the third section, if an enfranchisement takes place, the interests of the sub-lessees are preserved, just as the interests of the sub-lessees are preserved in the case of renewal by the contracts which we have seen between the lessee and the sub-lessees; is not that so?—Precisely, by the third section.

3483. If now there were enfranchisement between the Bishop of Winchester and his lessee, with whom he is directly in privity, the sub-lessees would be entitled to have their interests secured to them; that is, if they had a covenant, for example, of renewal for ever, they would be entitled to have the fee, paying the proper amount which had been paid to acquire that fee, and the costs and other payments to which the lessee had been put, in order to obtain the enfranchisement; is not that so?—In accordance with the covenant in their lease, and according to Messrs. Pott's letter, they would have to pay the proportion of the enfranchisement, and a perpetual rent; the difference, I think, between us, is the question of perpetual rent.

3484. Does not this clause, if you have read it, reserve to the sub-lessees all their rights, under their contracts with their lessees?—Precisely; but then, under their covenants in their leases, such terms would be imposed upon them as I imagine they could not assent to.

3485. Mr. *E. Denison.*] You have been asked whether it was necessary to consider at all the case of the sub-lessees: but has it not already been given in evidence, that Mr. Paynter himself thought it important to introduce a clause for the protection, in some degree, of these very lessees?—I understood that Mr. Paynter introduced this third clause.

3486. Mr. *Wilkinson.*] The covenant, I believe, is that upon payment of a certain proportion, or a fair proportion, of the fine, the sub-lessees shall be entitled to the renewal of their lease at the same rent?—Yes.

3487. In that covenant is there any contemplation whatever of enfranchisement?—None whatever.

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3488. Does not enfranchisement put an end to that desirable arrangement about the continuation of the rent?—It quite alters the nature of the property.

3489. Is it not on that account, therefore, that you think it fair that the sub-lessee should be considered?—I think, as we are going to free the property from life interests, we ought to do it entirely.

3490. You have the Act of the 14 & 15 Vict. before you; will you turn to the first clause, and give the Committee your opinion upon the effect of the word "holders" there; whether it does or not include sub-lessees?—I think the only protection of the interest of the sub-lessees is by the third clause, but it does not enable an enfranchisement by the sub-lessee, because that is prevented by the Interpretation Clause.

3491. *Chairman.*] Has this arrangement come to an end?—No; the bishop's surveyor is now making a survey of the whole estate; it is an extensive property, extending over 60 acres, in Southwark, and as your Lordship may imagine, that will occupy some time.

3492. Therefore the arrangement is now in progress?—The arrangement is now in progress, and the enfranchisement will be carried out. If the Legislature chooses to direct in its wisdom to whom the enfranchisement shall be made, that will end the question. If on the other hand the sub-lessees come to me and say they are desirous that the enfranchisement should be effected to the lessees, it will be carried out to the lessees.

3493. Neither the Bishop, nor the Ecclesiastical Commissioners, nor the Estates Committee have put any bar to the enfranchisement?—No; my raising the question has had one good effect; it has brought before the Committee both lessees and sub-lessees, and they have been enabled to make their views known.

3494. Marquis of *Blandford.*] Do you think that no change should take place in the law upon this subject?—I think the Southwark property is such a very exceptional property, that it is a very fit case for consideration whether you ought not to have some specific enactment directed towards it.

3495. In what direction should you say that the enactment ought to be?—I do not think that, as regards enfranchisement, there is sufficient protection given to the sub-lessees.

3496. Mr. *G. Butt.*] Is not that the contract of the parties?—I think the effect of it would be at present that the sub-lessees would not enfranchise; then one of two things must happen, the leases would be run out, and Messrs. Pott and Mr. Paynter would be owners in fee simple in possession, or they would continue to renew the leases, which would be objectionable.

3497. Lord *R. Grosvenor.*] Your opinion, as I think I gather, is, that the sub-lessee would not have made such a contract had he thought that enfranchisement to the lessee was probable?—I think not.

3498. Marquis of *Blandford.*] Supposing the sub-lessee were to enfranchise from the bishop, what would then be the position in which he would stand with regard to his primary lessee; how would the interest of the primary lessee be compensated?—His reserved rent, his rentcharge, must of course be provided for, either by a deed by which it might be reserved to him and continue payable during the remainder of his lease, or probably the sub-lessee would purchase.

3499. Suppose the primary lessee were not willing to enter into such an arrangement?—According to the present state of the law we can do nothing without the lessee.

3500. Do you think that the law should be so changed as that the sub-lessee should be enabled to enfranchise over the head of the primary lessee, and without the consent of the primary lessee?—No; I think that that is very questionable.

3501. In fact, you think that only in the case where it was a voluntary arrangement on the part of the primary lessee and the sub-lessee, should that arrangement take place?—I think a great deal would be done if you could define the rights of these lessees, and determine whether they are entitled to the rent in perpetuity, or only to the rent during the remainder of their term; in either case their interest might be easily dealt with.

3502. Do you conceive that in no case the sub-lessee ought to have the right of demanding enfranchisement, or of effecting enfranchisement with the bishop

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in spite of the wishes of the primary lessee?—I do; I think that that would certainly be rather a violent proceeding. *S. Dunning*, Esq. 29 April 1856.

3503. Then the result is, that it must in all cases be a voluntary arrangement?—A voluntary arrangement, or first giving the lessee some opportunity of doing it himself; you might put it in that way.

Veneris, 2° *die Maii*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Walpole.
Sir George Grey.	Lord Robert Cecil.
Sir John Pakington.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

William Paynter, Esq., called in; and further Examined.

3504. *Chairman.*] DO you wish to make any statement in explanation or confirmation of your former evidence?—I want to explain those particular points in which I have been misapprehended by Mr. Smith, and to show that the answers do not accordingly apply. I merely wish the Committee to understand the matter, because it is really one which involves the ruin perhaps of thousands. All those people entitled in remainder, if my view is correct, will be entirely shut out; the leases must run out; therefore it is a subject of great importance that the Committee should understand in fact the matter in dispute between us. I beg to say, that if I have once established a particular mistake, I wish it to be understood that it runs through the whole of the evidence when a similar kind of statement occurs. I do not wish to go into every particular clause in which the same error arises, but if I establish it in one case I wish it to be understood as established in all, when that particular fact is reiterated in evidence. The answer to question number 3298 is the first to which I beg to call the attention of the Committee, and in that there are two mistakes of very considerable importance. The question that is put to Mr. Smith is, "Are you prepared to give your opinion upon the statements and calculations which Mr. Paynter laid before the Committee?—I am so. The Committee will find that Mr. Paynter, in his answer to question 3084, states that the proper mode of estimating the interest of the lessor and the lessees is, to calculate the value of the fee at so much, and the value of the lease by the same tables, and that, deducting the one from the other, you come to the true result. I propose, firstly, to show that this theory cannot be sustained, then to make application of the instances I adduce to the estate which is the subject of discussion, and then to explain the true principle. If you turn to Mr. Paynter's evidence in a previous page (page 4), you will find that the estimates which he gives are of this kind; that if a house is good for 100 *l.* a year, and would sell at 1,666 *l.*, and is held for a term certain of 30 years, the true sum to be asked for the reversion should be 290 *l.*" I wish to call particular attention to the words "a term certain of 30 years." "While the price which I should advise to be accepted would range from 445 *l.* to 513 *l.*; and you will find in the same answer, that he states that the value of the leasehold interest would be 1,376 *l.*, instead of ranging from 1,150 *l.* up to 1,200 *l.*, as it would if my estimate was taken. I will first deal very shortly with the assertion, that the actual value of such a leasehold interest can be 1,376 *l.*; because the utmost that a leasehold interest of that kind would sell for would be about 1,000 *l.*; and without entering into that point in detail now, I will simply refer to an answer from the gentlemen possessing this estate, when they were examined in 1850. Answer 1528, in which you will find that it is stated that the leasehold interest sells at from 10 years' to 11 years' purchase; that is, from 1,000 *l.* to 1,100 *l.*; that is their own statement." Now, of course, if that fact could be established, it would show that I had estimated the *W. Paynter*, Esq. 2 May 1856.

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leasehold interest too high; but that is a great mistake of Mr. Smith, and I beg to refer to the particular answer. It is not the evidence given by me, but it is the evidence given by Mr. Pott, who is a large proprietor. Answer 1528 is the one which he gives, and we will just examine it, and see whether it has the bearing which Mr. Smith supposes that it has. He is mistaken on that particular point. The Committee will recollect that I estimated the fee at 16 years' purchase at six per cent.; now this is the question to Mr. Pott, "When you speak of the number of years' purchase this property would bring, do you mean the fee simple, supposing it was out of all lease?—I mean, supposing it was fee simple, the interest upon the lives does not sell for more than from 10 to 11 years' purchase; and, in fact, at this time it is unsaleable, from the very discussion which is at present going on, and has been so for these four or five years." But then Question 1522 to Mr. Pott is, "Can you state what the value of the fee simple is of this same kind of property upon which you pay this fine?" Mr. Pott's answer is, "I should think the value, taking the whole estate together on which the fine is collected, was from 14 to 15 years' purchase. I know a great deal of property which has been sold from time to time has not realised as much as 14 years' purchase. Therefore you see that if the fee simple is only worth 14 years' purchase, it reduces the value of the fee from 1,666 *l.* to 1,400 *l.* And my principle is this, that whatever the value of the fee is, it fixes the rate of interest, and therefore, as a matter of necessity, the lease must be reduced too. If, therefore, the lease is reduced to 1,100 *l.*, if you take 1,100 *l.* from 1,400 *l.* you get the result of 300 *l.*; consequently the supposition of Mr. Smith that because Mr. Pott had said, in reference to an inferior estate which was only worth 14 years' purchase, that the leasehold interest would be worth 1,000 *l.*, therefore my calculation was an error is quite a mistake. The fee itself was at the rate of seven per cent., and the lease itself at the same rate. But I should also particularly observe, that there is another very material error in the supposition; Mr. Pott's lease is held upon three lives; those three lives are not of an equal duration to the particular lease which I suppose of 30 years, and therefore that would be a reason why it would be lower. Then Mr. Pott goes on to say, that in consequence of this particular discussion and this dispute the property has greatly deteriorated in value. Therefore the whole of that supposition, that because Mr. Pott said that it was only worth this sum of money, it is therefore an evidence that my estimate of 1,376 *l.* is wrong, is quite a mistake, because the lease bears the same relative proportion to the fee; and, therefore, so far as that particular point goes the answer is altogether a mistake. Now, in reference to the next point (Mr. Smith considers that I am wrong upon these two points), the next point will also show that the case which he puts is anything but the case which I put, it is a perfectly distinct case. I will just refer to it. "A second reason why Mr. Paynter's theory must be inaccurate is, because under it the Church would not actually receive the income it actually receives now under the existing system." That is what he asserts. This is his illustration of it. "The ordinary tenures of houses under the Church are for terms of 40 years, renewable every 14, at a payment of a single year and a half's income; or for 30 years, renewable every 10 years, on payment of a single year and a quarter's income; and the sum which must be set aside by the holder of a church estate, in order to enable him to pay in perpetuity as those sums so accrue, is actually 370 *l.*; in the first case it is higher: therefore, if the Church received the sum proposed under this system of 290 *l.*, it would sacrifice the 80 *l.*, which is the difference between the two; and it would do so without having anything taken into account for the constant improvement which has accrued, and which there is every reason to anticipate." Now, the case which he supposes is a perfectly distinct case from mine. My case is a term for thirty years certain, without the payment of a single fine. The case which he supposes is either a term of 40 years upon which a fine is payable every 14, or a term of 30 years upon which a fine is payable every 10; and you will perceive from the question of Mr. Walpole that that is the way in which he understood the thing. In Question 3300 it is put—"How is it with regard to a 30 years' lease? It is renewed every 10 years, and the fine is 125 *l.*" Then in Question 3301, Mr. Walpole says this: "Then it would be 375 *l.* in the whole before the 30 years had expired." Why, of course, if 125 *l.* was paid at the end of every 10 years, 375 *l.* would be the sum payable for the fines during the term. But the fact is, that, during the whole of my term, there is not a single fine to be paid; I hold an estate myself

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for three lives, of which the equivalent value is 30 years; I do not pay a single sixpence during the term of 30 years. The case assumed by Mr. Smith is a case of 30 years, in which 125 *l.* is paid every 10, and then he comes to the not very remarkable conclusion that 370 *l.* is the sum which is to be set apart; I have some time back renewed, and have got three lives in my lease, at least worth 30 years; there is therefore no fine paid during my term, and to compare one thing with another so totally dissimilar in every point of view, and to build up the result that one thing costs more than the other, appears to me a very great mistake; but even supposing the case were not so, my position is that Mr. Smith is quite wrong about the 370 *l.* which he calculates, and I wish the Committee particularly to pay attention to this point. He says, "The ordinary tenures of houses under the Church are for terms of 40 years, renewable every 14 at a payment of a single year and a half's income, or for 30 years, renewable every 10 years on payment of a single year and a quarter's income; and the sum which must be set aside by the holder of a Church estate in order to enable him to pay in perpetuity as those sums so accrue is actually 370 *l.*" Why the fallacy is this, that the year and a half's income is not a fixed quantity, but a variable quantity; no man on earth can tell what a year and a half's income of any particular property will be in 14 or 21 years, and so on every seven years. Take, for instance, property which is much better than any property in the Church's hands; take Bedford Square, Russell Square, or Harley Street, or Wimpole Street, and suppose that 30 years ago 90,000 *l.* was the fine payable; that it was held upon the Church tenure renewable every seven years, and that a fine of one and a half year's rent was paid every seven years upon the renewal of that property. If you had based your calculation upon the fact that the year and a half's income was 90,000 *l.*, you would now find yourself in this position, that the property has fallen one-third, and instead of 90,000 *l.* it would be reduced to 60,000 *l.*, and the consequence would be that whatever calculation you had based 30 years ago upon it, you would now be every seven years a loser of 30,000 *l.*, and that is a most material fact to consider. The value of house property nobody can tell, it is variable. Under the present system, when a fresh calculation is made every seven years, you can tell the particular thing, but to assume that, because a particular property pays 150 *l.* now for a fine, it necessarily must go on and pay that particular sum of money in perpetuity, would make that a fixed quantity, which, from its nature, cannot be a fixed quantity, as to which no man on earth can tell what it will be at a particular time; I hold freehold property myself in Camberwell, the value of which, 30 years ago, was 40 per cent. more than it is now; it has fallen 40 per cent. If a calculation had been made at that particular time, according to the year and a half's value, the whole result would necessarily and absolutely have been wrong; therefore I say that, even supposing the case which is put by Mr. Smith was at all like my case, he is wrong in point of principle in that calculation; but I say that the case is a wholly different case, that he supposes a case in which the fine is payable during every 10 years, and mine is a case of a dry 30 years' term, in which not a single fine is paid, therefore the whole of that argument necessarily falls to the ground; the comparison does not hold good; it is not the same kind of property as I placed before the Committee in reference to a lease of 30 years. That, I think, disposes of those two particular objections. Then in Question 3302, the Chairman says, "Will you go on with your explanation?—Again, it is equally evident that 290 *l.* received at this time cannot produce 1,666 *l.* at the end of the outstanding term assumed by Mr. Paynter. You have the 290 *l.* handed to you, and you have to obtain interest upon it, and interest on the interest upon it throughout the whole interval, in order to obtain your 1,666 *l.* at the end. The interest which you could obtain you may fairly say at this time, would not exceed an interest of 2 ¾, or say 3 per cent. Assume that you have 3 per cent., and you will have at the end of the time about 2 *l.* over 700 *l.* in substitution of your 1,666 *l*; and if you obtain 3 ½ per cent. (and I think very few persons can show how 3 ½ per cent. is to be obtained in the first instance, and again on the interest accruing every half year or whole year) if you obtain 3 ½ per cent. at compound interest, it will accrue to something upwards of 800 *l.*, call it 816 *l.*, you will have 816 *l.* at the end of the term, in substitution of your 1,666 *l.*" My position is, that there will not be the 1,666 *l.* at the end of the term; that because a house is worth 1,666 *l.* in 1856, it does not at all follow that it will be worth 1,666 *l.* 30 years hence; that is a perfectly different thing; therefore, my position is, that that is a fabulous and imaginary sum. In Question 3314 Mr.

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Smith is asked, "Then you do not agree with the Commissioners in their report, that the value of a partial interest should be taken at the same rate as the calculation of the value of the fee?—No, certainly not. And in the subsequent Session, it was precisely because I disagreed, not only with the particular point you refer to, but disagreed with other points, that I was examined in the Upper House upon the subject, and the Upper House determined to alter the view which was set out here by Lord Harrowby's Commission, I believe I may say in a degree in consequence of the evidence which I gave." Now the reasons of the Lords are quite distinct from that; they have nothing whatever to do with that particular subject; and I beg just to draw attention to what the ground is, because this is a very material point to state.

3505. Sir *J. Graham.*] That is a fact stated in a qualified manner by Mr. Smith, that he believes the alteration took place in a certain degree in consequence of his evidence; you may controvert that fact, but you cannot proceed to argue against Mr. Smith's evidence?—I only want to read the account which the Lords give of it.

3506. If you controvert the fact, and show that it is an erroneous statement that in some degree the Lords were guided by Mr. Smith's evidence, that is a very good ground to take?—I can only show what the report is. I am simply referring to those particular things which I think are mistakes. I am not going to argue any point. Then my position is, that those are not the reasons which the Lords have given. Now I must venture to draw the attention of the Committee to what appears to me a most important point in reference to this particular question. The questions are from 3338 to 3345, and the real point is this: my position is, that Mr. Smith makes 1,666 *l.* the starting point, and making it the starting point he discounts this particular sum. I will just read the particular part, and the answer which is given, I think, would very much mislead the Committee upon this particular question. Mr. Butt puts this question, "Take the case of a house of the clear annual value of 100 *l.*, and assume the fee to be worth 1,666 *l.* as given, do you consider that because that house, estimating the value of the fee, is now worth that sum, it will be worth the same sum 30 years hence?" Mr. Smith says, "That is opening a totally different subject.—Will you first say yes or no? I cannot answer unless I explain my answer.—You must give an answer first. Do you consider that because the house now is worth 1,666 *l.* it will be worth 1,666 *l.* 30 years hence? No, I do not; and in the sum proposed to be asked on behalf of the Church, I have taken the elements referred to by the honourable Member into consideration." Now if the Committee attend to this particular point, they will find a very great and material fallacy. The next question is, "What elements? The increased age of the house at the end of the 30 years.—Have you taken into consideration that house property is, of course, liable to be burnt down? Undoubtedly.—You have taken that into consideration? Yes.—In what way? In discounting at the four or the four and a half rate of interest.—Will you explain what you mean by discounting at the four or the four and a half rate of interest? If I discount a particular house at four per cent. interest, it is in fact assuming that the house at the end of the time, instead of 1,666 *l.*, is good for the sum of 1,250 *l.*, and if I discount at four and a half per cent., it is, in fact, estimating the house at the end of the time as reduced to something about 1,080 *l.*" Now if he began his calculation upon this reduction, I can understand the reasoning, but instead of beginning his calculation at that reduction, he begins his calculation on the sum of 1,666 *l.* I have worked it out myself. Mr. Smith begins to discount on 1,666 *l.*, as if that were the value of the house at the end of the term of 30 years; he discounts at four per cent., and brings out 513 *l.* as the value. He then calculates what the sum of 513 *l.* would amount to in 30 years, and finds that it comes to 1,250 *l.* Now, my position is, that you entirely go upon a wrong ground. Your starting point is wrong; there is no 1,666 *l.*; the risk of the house, and a variety of things, may take the house altogether away, in which case there will be no 1,666 *l.* to discount, or the house may become deteriorated, and a variety of things of this nature may occur. Therefore he is wrong at the starting point. But it is a very remarkable thing, that if it were an actual sum of 1,666 *l.*, you would find that that actual sum payable at the end of 30 years would not be discounted in the City under five or five and a half per cent., if it were a positive sum to be received. But this 1,666 *l.*, which I say is a fabulous sum, you are to discount at the moderate rate of four per cent. In this particular mode of calculation Mr. Smith commits three blunders; he first starts with 1,666 *l.* as the value of the house; *non constat* that it is the value of the house; then, after having

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having started at that particular point, he discounts at four per cent., which, if you were certain to have the 1,666 *l.*, is a per centage extremely moderate, and which you could not obtain in London if the 1,666 *l.* were actually the sum paid; and then he invests this sum of 533 *l.* in the three per cents., in the most secure investment that there could possibly be, to measure the particular interest of a very hazardous and variable kind of thing. It is quite evident that if you go into the market and buy a landed estate for 1,000 *l.*, you get 30 *l.* a year for it; if you go into the market with the same sum of 1,000 *l.*, and buy a leasehold estate, you get 60 *l.* a year for it; they are just the same at the exact point where you start, because you pay 1,000 *l.* with the one hand and 1,000 *l.* with the other, but immediately after the starting point they begin to vary; one is a perishable thing, and the other is a permanent thing; they cannot be compared. I am quite sorry to detain the Committee with these observations, but the great importance of the matter to such thousands of people, I hope, will be an apology for my doing so. Question 3364 is, "Will you tell me the table which you should adopt in calculating the value of a lease for 30 years of a house, the fee of which we have calculated by the six per cent. table? You have to provide more especially against the particular danger to which I have referred, which is the great danger in purchasing a leasehold interest, viz., that if you do not have your income in the earlier portions of the term, you not only lose your income, which you do in the case of the fee, but you lose all the interest on it, and that interest is to return you your capital sum at the end of the term; therefore you must always take a considerable space upon that account, and in this particular case I do not think that anybody could be safely advised to give more, certainly not much more, than 1,000 *l.*" That is a little above the nine per cent. table. He calculates the fee at six per cent., and the interest on the lease at the nine per cent. table. He has just before mentioned that you cannot get three and a half per cent. for a particular term of 30 years. I just draw attention to that circumstance. I have only, I think, two questions more to refer to. The first is No. 3383. In this particular answer Mr. Smith comes before the Committee with an Appendix, showing the dealing which has actually been had in reference to this question of enfranchisement. The question put to him is, "You said, that if sales took place upon the terms which have been proposed, the Church would not be able to raise from the property after the enfranchisement the same amount of income which it enjoys now? That is so. That, I think, you will perceive is all set out if you turn to a case which I put before the Committee in the Appendix to their First Report, page 413. Now, this is a particular evidence which Mr. Smith himself brings forward to show the particular working of the system, and I must just call the attention of the Committee to it, because it will enable them to understand the way in which really this matter is worked out. An application is made, "I am directed by the Dean and Chapter of Durham to request that you will submit to the Church Estates Commissioners for their approval a proposal for the sale to Messrs. Backhouse & Co. of a mill and land at or near to Aldin Grange, held by lease for the term of 21 years from 20 July 1848. The sum agreed to be paid, subject to such approval, is 669 *l.*" Then it is particularly specified that the value of the fee is 1,780 *l.*, and the Dean and Chapter would have accepted it. Now just observe Mr. Smith's answer: "Dear Sir,—In this proposed sale of the reversion of a mill and 6 A. 0. R., 29 P. of land, valued at 100 *l.* a year rent, and at 1,780 *l.* in fee, the capitular surveyor has divided the 1,780 *l.* between the lessor and the lessee according to the rate of interest corresponding to the year's purchase, at which he has valued the property." That is, by Mr. Smith's statement, according to my plan, viz., according to the fee simple at which he valued the property did he value this particular interest; "and thus the Chapter have been led to agree to the sale of the property for 669 *l.*, equivalent to a perpetual annuity of 22 *l.* 6 *s.*" Then he states, "But at the accustomed rate of renewal fines (one and a half year's rental septennially) the capitular receipts would be 149 *l.* 6 *s.* every seven years, or 21 *l.* 6 *s.* 6 *d.* a year, which amount added to 8 *s.* 8 *d.* yearly reserved rent, affords a total of 21 *l.* 15 *s.* 2 *d.*, so that the surplus derived from this sale would be scarcely appreciable." Now my former observations apply to this particular calculation of 149 *l.*, that it is perfectly fabulous and imaginary to say that 149 *l.* is a fixed sum, which will always be payable; it depends entirely upon the annual value of the property at the end of the particular seven years, and therefore that reason which Mr. Smith assigns is a perfect fallacy; still he says, "For this reason, I advise that this agreement be referred back to the Chapter for reconsideration." Then he states, "The Committee of the House of

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Lords, in their Report of last Session, confined for well considered reasons their recommendations to farms and tithe rentcharges; but this sale proposes to extend the mode of dealing therein advised to property to which it is inapplicable." My position is, that the House of Lords merely stated that they had doubts upon the matter, and that until they could more fully consider the evidence and the subject, they declined laying down precisely the same rules; my position is that my case establishes the fact which they wanted to have. Then he says, "The capitular surveyor has omitted to consider that in placing a rental of 100*l.* a year at so low a value in fee as 1,780 *l.*, he has affirmed that such income of 100 *l.* a year is, taking into account its contingencies, equivalent to a capital sum of 1,780 *l.*, or to a certain income of 60 *l.* a year; and that if such capital sum of 1,780 *l.* is discounted at (say) six per cent., the contingencies which have already been allowed for are taken into account a second time." Now that is a perfect fallacy, because, in reference to a reversion of a house, it is the contingency touching the corpus at the end of the term that must be considered. The particular contingency and risk which attach to a house now in possession have been allowed for in the estimate of 1,780 *l.*, but that is all; no risk touching the condition of the house or building at the end of the term has been taken into account, and hence that sum of 1,780 *l.*, if taken as payable at the end of the term, must, in order to allow for interest, and the contingencies and risks of house property, be discounted at 6 per cent., in order to fix the present value of the reversion, the 6 per cent being, in fact, the rate of interest at which the fee simple is valued as to the buildings. The two things are, in fact, quite different, viz., the value of the building now, and what it may be at the end of the term. The upshot of this matter is, that they get out of these gentlemen 925 *l.* It happens that that 925 *l.* is obtained three years after the original proposal, and that, of course, as the lessee had three years longer of the term, would reduce the sum. I have just submitted that case to Mr. Ansell, and he makes out that over and above the sum which these gentlemen could sell the mill for in the market, 136 *l.* 14 *s.* 3 *d.* had been paid. Very likely the proprietors having the mill would consent to pay that additional sum; but that would be the actual loss, according to their own calculation, of the fee of 1,780 *l.* if they went into the market to sell. I have now quite gone through the particular points with reference to all these calculations; they of course require a rather more studious consideration than probably can be given in public to them, because they are of vast importance, inasmuch as if my view is the right one, the persons in remainder would be utterly left destitute; there would be no renewals.

3507. Mr. *E. Denison.*] Has Mr. Ansell given you his calculation of what that particular reversion was worth?—Yes, he has; and I beg to hand it in.

3508. Just give us the figures?—The figures are, that the value of the particular lease for 14⅓ years (I reduced it 14⅓ years, because the enfranchisement did not take place till three years afterwards) is 991 *l.* 14 *s.* 3 *d.*; and then adding the sum of 925 *l.*, which was given for the reversion, the sum total of those two items is 1,916 *l.* 14 *s.* 3 *d.*; but the fee is only worth 1,780 *l.*, upon which all the calculations are made, and therefore 1,916 *l.* 14 *s.* 3 *d.* exceeds the whole value, when they have got the enfranchisement, by 136 *l.* 14 *s.* 3 *d.*

3509. That is not the question which I asked; you have given us two figures; 669 *l.* was the original sum, and afterwards 925 *l.* was paid; between those two sums, has Mr. Ansell given you his estimate of what would have been the right sum?—I did not enter into that point.

3510. Mr. Ansell assumed the 925 *l.* as paid?—Yes; it appears by the correspondence that it was paid.

[*The Witness delivered in the following Paper:*]

Case for the opinion of *C. Ansell*, Esq.

A. has a lease of a mill and land, the unexpired term of which, on the 20th March 1855, is 14⅓ years.

	£.
The annual value of the land, 10 *l.*; the fee-simple of the land, at 25 years' purchase (or at 4 per cent. to the purchaser) - -	250
The annual value of the buildings is 90 *l.*, and the value of the fee-simple, at 17 years' purchase (allowing the purchaser about 6 per cent.), *i. e.* 5 *l.* 17 *s.* 8 *d.* per cent. - - - - - -	1,530
TOTAL value of the Fee - -	1,780

You

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You are requested to answer the following queries:

Query 1. What is the value of the lease of an unexpired term of 14⅓ years of the land (of the annual value of 10*l.*), according to the same rate of interest; viz., 4 per cent., at which the value of the fee-simple is determined?

Answer - - - - - - - 109*l.* 17*s.* 11*d.* *C. A.*

Query 2. What is the value of the lease of an unexpired term of 14⅓ years of the buildings (of the annual value of 90*l.*), at the same rate of interest at which the value of the fee-simple of the buildings is determined; viz. 5*l.* 17*s.* 8*d.* per cent.?

Answer - - - - - - - - 881*l.* 16*s.* 4*d.* *C. A.*

Query 3. What is the sum total of these two last values?

Answer - - - - - - - - - 991*l.* 14*s.* 3*d.*

Query 4. Add to the sum total last found the sum of 925 *l.* (the sum given for the reversion of the land and buildings, on the 20th March 1855), and state the amount, and by how much it exceeds the sum of 1,780 *l.* (the value of the fee).

	£	*s.*	*d.*
Answer, adding - - - - - - - -	925	–	–
To the sum stated as an answer to Query 3; viz. -	991	14	3
And the amount is - - - - - - -	1,916	14	3
Which exceeds - - - - - - - -	1,780	–	–
By - - - - - - - - - -	136	14	3

Charles Ansell,
Actuary, Atlas Assurance Company and
Her Majesty's Customs Fund.

Cheapside, 1 May 1856.

Mr. *Paynter*.] There is one particular point, in reference to the Question 3419, in which my evidence is greatly misunderstood.

3511. *Chairman*.] That is a question as to the sub-lessees, is it not?—Yes: "Mr. *Ingham*. Are you correct in saying that it is the 3d clause, which was introduced by Mr. Paynter, which prevents the sub-lessees from enfranchising? It is in Mr. Paynter's own evidence." Now I beg to say, that that is an entire mistake; that particular third clause was introduced by me, and has simply the effect of protecting the interests of the sub-lessees in the event of the lessee enfranchising, reserving their particular rights and equities exactly the same, they continuing to pay the perpetual rent, which is, in fact, part of the purchase money which they have agreed to pay; they have bought their interest, they have received premises upon less rent in consequence of that particular sum which they pay; that sum cannot be increased, and it is in fact the purchase money. The purchase money is just the same, whether you do it in the way of a permanent rent, or whether you do it in the way of a sum certain. There is nothing in my evidence to say that that clause prevented the sub-lessees from enfranchising; the sub-lessees never could do so by any Act of Parliament, there is no privity between them and the bishop; they have no power at all. The last point upon which I will trouble the Committee is with reference to Question 3423. Mr. Butt's question is, "The clause proposed by Mr. Paynter is merely conditional, that is, Mr. Paynter said, that in case an alteration were made in the law, by which sub-lessees were enabled to enfranchise, then it would be necessary to have such a clause as this to protect the interest of the lessee; but Mr. Paynter said that he thought it would not be advisable to alter the law so as to give the sub-lessees that right of enfranchisement, and in answer to the right honourable gentleman who asked him, 'Would it not be a strong thing to alter the relations of the Church with its own tenants by Act of Parliament?' he said that he thought it would; that the only way in which he could deal with the subject would be to leave the lessees and their sub-lessees to arrange together the mode in which the enfranchisement should take place. This clause, which is set out in Mr. Paynter's evidence, is upon the assumption that a law is passed, enabling the sub-lessees to enfranchise; it is merely conditional?" Mr. Smith says, "The interpretation of the Acts I cannot give, but I have given before, and will give again, the pecuniary action. The sub-lessees, instead of paying 450*l.* to 500*l.* to the Church, would have to pay 300*l.* to the Church, and another 300*l.*

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practically to the lessee." Now that is not the fact. The sub-lessees are bound to pay me a perpetual rent, because it is the purchase money of the interest they hold; but they would be bound also to pay to the Church the whole amount of the reversion. The fact is this, that although they would have to pay the whole amount of the reversion and my permanent rent, my permanent rent they have received money for in hand, it is in their pocket; they have received the particular premises at a low rent, and therefore having received them at a low rent, the consideration of their getting the sub-lease at all has been the consideration that they are to pay me a permanent rent; it would be just the same if they paid me a certain sum of money down; but it is only in the form of a rent. Therefore I think it is a great mistake to say that it is dividing between me and the Church, because the Church is bound to receive the whole amount, and in addition they have to pay to me, by a particular contract which they have entered into, and which is part of their purchase money. I thought it necessary just to explain these particular points to the Committee, for it is a matter of the greatest possible importance to the lessees, and especially to those who have interests in reversion and remainder; because if my view of the subject is correct, the whole of the leases must run out, except in particular cases, where people carry on trades, and where it is their interest to give an exorbitant sum. I am very much obliged to the Committee for hearing me; I have tried to be as short as I could in my explanation.

John Aubrey Whitcombe, Esq., called in; and Examined.

J. A. Whitcombe, Esq.

3512. *Chairman.*] ARE you acquainted with any leasehold property held under the Church?—I am Chapter Clerk of Gloucester, and have been so for the last 40 years.

3513. Will you state the mode of granting leases and taking fines by the Chapter of Gloucester?—The mode of granting leases by the Chapter of Gloucester has been to grant them principally for 21 years, and some few upon lives. We have only three for lives. I wish to state to the Committee that the Chapter of Gloucester have lately made an arrangement with the Ecclesiastical Commissioners, by which they have transferred their estates over to the Commissioners; and it was for the purpose of putting in that scheme, and calling the attention of the Committee to certain clauses of the scheme, that I was requested by the chapter to make my appearance before the Committee.

3514. Will you make that statement to the Committee?—By a scheme ratified by Her Majesty in Council, on the 26th of June 1855, and gazetted on the 17th of July 1855, which I will put in, it was recommended and proposed that, in consideration of the money payments therein mentioned, all the manors and estates of the Dean and Chapter of Gloucester (with certain exceptions) should, upon the gazetting of the Order in Council approving of the scheme, and without any other conveyance, become transferred to and vested in the Commissioners, who should thereupon become absolutely seised of the same in fee, and be entitled to the rents and proceeds thereof as from the 1st January 1855; that in consideration of such transfer and conveyance there should be paid to the dean and chapter on the 1st January and 1st July the sums there specified, amounting to 4,230 *l.* on each half-yearly payment. Then the part to which I particularly wish to call the attention of the Committee is the following clause: It was further recommended and proposed, that none of the monies or estates to be received or acquired under the provisions of the scheme, should be applicable to the purposes of the Commissioners' Common Fund (except only so far as might be necessary to reimburse such fund, any advances made thereout, under the provisions of the scheme) until, or unless by and under the like authority the said dean and chapter should have been put into possession, in fee simple, of real estates (sufficient to secure to the dean and chapter a clear annual income therefrom, after deducting rates, taxes, and other outgoings, including costs of management) of the amount therein stated.

Vide Appendix, page 217.

3515. What amount is that?—£. 8,460 altogether, is the chapter are to be put in possession of; there being, in addition, a sum paid to the chapter clerk, and which ceases upon the estates being conveyed. I was requested particularly to call the attention of the Committee to this stipulation, that the chapter should be put in possession of real estates of that value, in consequence of its having been suggested to the Committee that these estates should not be actually put into the possession

possession of the chapters, but that they should remain under the complete control and management of the Ecclesiastical Commissioners, the Commissioners themselves receiving the rents, and exercising all other acts of ownership, to the exclusion of the chapters, and paying over those rents to the chapters accordingly. I beg to state to the Committee, that the treasurer and myself have principally negotiated this arrangement with the Commissioners; and it was a most material consideration with the whole of the chapter, that by it they considered they were, in fact, securing to themselves the ultimate possession of landed estates to a certain definite value, and that they were not to be the mere nominal owners, but the real and substantial owners and managers of those estates. And with regard to the plea of the estates being probably not so well managed by the different bodies to whom they belong, the chapter certainly do think, and I must say that I think likewise, after rather a long experience, that the estates would stand a much better chance of being well managed by the particular bodies to whom they were assigned, and by their agents, than they would be, or could be, by the Ecclesiastical Commissioners, a central body.

3516. How have they been managed hitherto?—Hitherto they have been all upon lease, and I think they have been very well managed; they have been managed, of course, not by myself (and therefore I can say so), but principally by the chapter surveyor.

3517. Sir *G. Grey.*] When you speak of 21 years' leases, do you mean 21 years certain, or 21 years renewable?—They are 21 years certain, but renewable every seven years regularly.

3518. *Chairman.*] Has it been a recent custom, or was it an ancient custom of the chapter, to grant leases for 21 years, or was it formerly the custom to grant leases for lives?—I do not think there were ever many leases for lives granted by the chapter; at present there are only three leases for lives; of those, one is very ancient; it has always been granted for lives. Two have always been granted for lives; and the third consists of some property that was formerly copyhold for lives; the copyhold was surrendered many years ago, and instead of taking a copyhold grant for lives, they took a lease for lives. There are only three estates on leases for lives, two of them of considerable value, and one a very small estate; all the rest of our estates are granted for 21 years, and I believe always have been so.

3519. Sir *G. Grey.*] But not at rack rent?—No, not at rack rent, but with a small reserved rent.

3520. A fine being payable upon each renewal, in the ordinary way?—A fine being payable every seven years?—We have a good deal of property held upon lives, but that is held of manors; it is held by copy court roll. When I say we have only three, I mean three leaseholds for lives; we have others, the tenure of which is much the same as a leasehold for lives, because the tenants have no positive right of putting in fresh lives; in point of fact, in value it is much the same as if they were leases for lives; they are, strictly speaking, held by copy, and not by leases.

3521. *Chairman.*] These leases will not be renewed as the lives drop in, now that the estates are in the hands of the Commissioners?—The arrangement which we have made with the Ecclesiastical Commissioners commenced on the 1st of January 1855; up to that time, of course the chapter continued to renew their estates in the ordinary way; from that time, as your Lordship is well aware, the Ecclesiastical Commissioners do not renew any leases; consequently there have been no leases, I believe, renewed since.

3522. Do you contemplate the Ecclesiastical Commission buying an estate, to be transferred to the chapter, which will be in the neighbourhood, in the county, or the diocese of Gloucester?—We have made no stipulation with regard to that; the only stipulation we made was, that there should not be more than a certain proportion of the estate consisting of tithe rentcharges; the stipulation was that not more than one-fourth of the estates to be ultimately transferred to us should consist of tithe rentcharges.

3523. Do you conceive that it would make any difference as to the management of an estate by the chapter, whether it was situated in the neighbourhood of Gloucester, or whether it was in a remote part of the kingdom?—It would of course be much more convenient if it were near us, and we were certainly given to understand that the estates when transferred to us would be in convenient places; we cannot expect to have the whole of them positively together, but it

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would be convenient for us probably to have in a great part some of the estates that already belong to us, and are held by leases, if the Ecclesiastical Commissioners purchased up the interest of those lessees.

3524. Sir *G. Grey.*] Was it a large property which was surrendered by the dean and chapter to the Commissioners?—Very large.

3525. There was a great deal of difference between the amount of the property surrendered, and the amount which will have to be transferred to the dean and chapter?—A great deal, if you take the rack-rent value; but what they are to give us back was estimated at about what we should consider the property was worth to the chapter, they being presumed to continue renewing it upon the same terms on which they now renew.

3526. Where was the property situate?—The greater part of the property was situate in the county of Gloucester; a very large portion, and a very valuable part, within six or seven miles of Gloucester, nearly whole parishes; there was a considerable tithe estate in Glamorganshire; there is the rectory of Marlow; and the rest of the estates are situated in Gloucestershire, or on the borders of Gloucestershire, in Oxfordshire, Wiltshire, and Herefordshire.

3527. Can you state what the actual value would be if it was all let at rack-rent?—I think that we estimated the whole, taking the copyhold and all the property together, at very nearly 30,000 *l.* a year; between 28,000 *l.* and 30,000 *l.*, I think.

3528. Marquis of *Blandford.*] That is the rack-rent value which it would bear if the leases were run out?—If the leases were run out, I suppose it would be about that value.

3529. *Chairman.*] What was the ordinary income of the chapter before any of the canonries were suspended?—The income of the chapter was not very certain, but taking seven years at a time, it was increasing considerably, and the income of the chapter at the time when we made the arrangement, we reckoned would have been, as nearly as could be, what the Commissioners agreed to give us. There was some very valuable building ground in Glamorganshire, upon which an income of upwards of 1,000 *l.* a year, it was calculated, would have been obtained immediately.

3530. What was the original number of canons at Gloucester?—Six.

3531. It will be now reduced to four?—There are only four now.

3532. The Ecclesiastical Commissioners will not pay such an amount to the four as was formerly required for the six?—No; our income, if we had not made this arrangement with the Ecclesiastical Commissioners, we considered would have been about 10,000 *l.* a year, and then deducting the value of the suspended canonries, it brought it to somewhere about the sum which they agreed to give us.

3533. How much would that give to the dean, and how much to each canon?—That, together with the income arising from a small house property which we retained, in the precincts, I reckon would give about 1,600 *l.* to the dean, and about 750 *l.* to each of the canons. The dean has very little more than twice a canon's share. It would give from 700 *l.* to 750 *l.* to each of the canons.

3534. Sir *G. Grey.*] That would not at all exhaust the value of the property which is to be re-transferred to them; that would not make 5,000 *l.* a year?—No; but then there is all the establishment. A part of our arrangement with the Ecclesiastical Commissioners, and which is noticed in this scheme, is, that we shall set apart one-half of the 8,000 *l.* odd, with a view that we shall appropriate that half to the establishment charges, and that neither the dean nor any of the canons shall receive any personal benefit whatever from that half; so that it is only half which is divided between them.

3535. *Chairman.*] What are the establishment charges?—The establishment charges now are more than 4,000 *l.* a year.

3536. What do they consist of; what are the items?—There are the minor canons; there is the fabric, which is very expensive.

3537. What is the sum required for the fabric?—There is an order in chapter to set apart 1,200 *l.* a year for fabric, besides which, anything else that may be over upon the establishment account will also, if necessary, go to the fabric fund.

3538. Sir *G. Grey.*] Is that for ordinary repairs, or for restoration?—A good deal is for restorations. We have lately had the Cathedral surveyed, and looked carefully over by our own architect, and by Mr. Scott, and we have obtained a sort of estimate of what ought to be done to the Cathedral, and the order in which it

it should be done, in order to restore those parts which are getting decayed. Of course, the sum is an immense one; it is so much, that it would take all that we have to spare, and a great deal more if we could get it.

3539. The sum set apart for restorations will not be a permanent charge?—We are obliged permanently to set aside 4,000 *l.* odd for the establishment charges, including the restorations. The chapter did not think it prudent to bind themselves to set apart a specific sum for the fabric, because circumstances might make it convenient to lay out a great deal more at one time than at another. They have made an order themselves that 1,200 *l.* a year, at least, shall be applied to that purpose at present.

3540. *Chairman.*] Have all the items in the establi shment charges been settled with the consent of the Ecclesiastical Commissioners?—No, the Ecclesiastical Commissioners left the settlement of the particulars of the establishment charges to ourselves; they only prescribed the gross amount.

3541. What is that gross amount to which they have limited the sum?—One-half of what they pay us; 4,230 *l.* a year is what we have stipulated with the Ecclesiastical Commissioners, that we will set apart for the establishment charges.

3542. Sir *J. Graham.*] Have the Commissioners retained any power of inspection of the accounts with regard to the appropriation of that 4,000 *l.* odd a year?—They have not retained any specific power of doing it.

3543. Have they access to those accounts if they should desire it?—I do not think that they could demand access to them; I think I may fairly say that I do not suppose access would be refused.

3544. Is it part of the arrangement?—It is not.

3545. Then the 4,200 *l.* is placed at the absolute disposal of the chapter?—It is placed absolutely at the disposal of the chapter.

3546. Without any appropriation to any branch; to the fabric, for instance?—The schedule which refers to it is but short, and I will read it.

3547. Sir *G. Grey.*] Is this part of the Order in Council?—It is. "For the repair, restoration, maintenance, and improvement of the fabric of the cathedral, of the grammar-school, of the houses of minor canons, and other ministers, officers, and servants of the cathedral, not being the residentiary houses of the dean or any of the canons; for the statutable stipends and allowances to the dean and canons, and the usual and accustomed allowances and payments to the sub-dean and treasurer; for the stipends and allowances to the minor canons, and other ministers, officers, and servants of the Church; for the grammar-school, the choir, and library; for providing and repairing the church furniture; for lighting, watching, and otherwise for the care, management, and improvement of the precincts, and all other expenses connected with the cathedral, and with the services of the church, and for subscriptions and donations to schools and other charitable objects." That is the schedule; and the sum which is to be set apart for that is mentioned in the body of the order, which is 4,230 *l.*

3548. Sir *J. Graham.*] The construction which you put upon that Order in Council is, that with reference to that sum of 4,000 *l.* odd the chapter from time to time may add to the choir, and deduct from the school, or may deduct from the fabric fund, and add to the choir and the school?—Yes.

3549. Or may expend, if they think fit, nothing upon the fabric?—Just so; that if they lay out that sum, it is left to their discretion as to the mode of applying it amongst those different objects.

3550. And there is no provision made, as you read that Order in Council, for either inspection of the accounts or control over that expenditure, on the part of the commission?—No, there is no express order of the sort; we cannot vary this application, because, independently of its being an Order in Council, it is made an Act of Chapter, which has been confirmed by our Visitor, and is also confirmed by the Queen in Council; therefore it is binding upon us as a law.

3551. It is a gross sum, with various uses specified?—Exactly.

3552. But so long as you adhere to any one of those uses, you think that you satisfy the Order?—Decidedly.

3553. Sir *G. Grey.*] Are there any other funds at the disposal of the dean and chapter, which would be applicable to any of those objects?—None.

3554. Was not there a statement furnished by the dean and chapter to the Commissioners, showing that the sum of 4,000 *l.* odd a year would be a fair sum to appropriate to those objects?—Yes. We gave them an account generally of what our expenses were. They did not at that time amount to anything like this

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sum. We stated to them that we wished, in the first place, very considerably to increase (which we have done) the efficiency of the school. We have raised that from almost a nominal sum to a very considerable one. We also wished to add to the efficiency of the choir; and there are various other expenses which we pointed out to the Commissioners at the time, in order to show them that we really should know very well what to do with as much as 4,230 *l.*

3555. What had been the annual expenditure of the dean and chapter on account of all those objects which are stated in that schedule some years preceding?—I am hardly prepared to speak very accurately upon that amount, but it necessarily varied a good deal with regard to repairs. Yet I should think that it did not much exceed 3,000 *l.* a year. I should think it was somewhere thereabouts.

3556. Then is it the case, that under this arrangement made between the dean and chapter and the Commissioners, all those objects mentioned in that schedule are better provided for than they were previously?—Decidedly.

3557. *Chairman.*] Supposing the dean and chapter to neglect any one of those objects, there is no reserved power in the Commissioners to make a decision that they ought to attend to that particular object?—No; the dean and chapter would be merely under the same surveillance, with regard to that which they were before arrangement of the scheme. They have a Visitor, who, if there was anything improper going on, might visit them and correct any abuse which he found; but there has been no additional power given.

3558. Sir *J. Graham.*] How long has this arrangement been in operation?—It only came into operation a twelvemonth ago.

3559. Sir *G. Grey.*] You stated that the Order in Council was gazetted in July 1855?—Yes.

3560. Sir *J. Graham.*] Then there has been no request, on the part of the Ecclesiastical Commissioners, as yet, to see any of these accounts, with reference to the expenditure of the 4,200 *l.*?—No.

3561. A year has not expired?—No.

3562. Can you state what the increase to the school has been consequent upon this arrangement?—Yes; I should say that the schoolmaster was paid in fact by the parties who resorted to the school; we paid him 20*l.* a year, and found him a house, which was worth perhaps about 35 *l.* a year more; for that he instructed eight choristers; we now pay him 150 *l.* a year, and we pay him 10*l.* a year for each of the choristers besides, and we send ten choristers, there being two supernumeraries; so that we now pay him 250 *l.*, instead of 55 *l.* We pay the second master, whom we used to pay only 10*l.*, 80*l.* The chapter have not of course thought it right (indeed they would have found it quite impracticable) to make all the alterations which they hoped to make at once. Perhaps some of the officers are inefficient men: amongst the singing men, for instance, there are inefficient persons, and until they retire or die off, or something of that sort, it would be a very bad thing if the chapter were to increase the pay; it would only be an inducement to an inefficient person to stay longer in the service of the chapter; many of those improvements can only of course be made gradually.

3563. Those choristers are instructed at a low annual cost, but has the city of Gloucester the benefit of this school to a great extent?—Yes. The chapter have also regulated the price to be paid for all boys coming to it; all boys are to pay eight guineas or ten guineas a year, according to their age, to the school fund, and for that they are to receive all the general branches of instruction, including French and drawing, besides classical instruction.

3564. Have you raised the standard of education, together with the salaries of the masters?—Yes.

3565. How many scholars are there at that school now?—I cannot say positively; we allow the master to take boarders, and I believe he has 50 boarders, and I believe there are besides that 70 or 80 day scholars, but I have not had occasion to make inquiries particularly as to that.

3566. Has the number increased since the salary of the master has been augmented, and the standard of education raised?—The salary of the master was augmented upon the death of the late master; the school was put altogether upon a different footing, and I can say that the school is much more flourishing now, and much better conducted than it was.

3567. *Chairman.*] Have not the buildings of the school been much improved?—A new

—A new school was built a few years ago; that was before this arrangement was made.

3568. Sir *J. Pakington.*] Is the school of which you speak, what is called a college school?—Yes.

3569. To what boys is that school open?—It is open to all boys; there is no restriction.

3570. Are there free scholars in it?—There are no free scholars; the dean and chapter themselves pay for the choristers. The choristers used to have their education without its being paid for, but it was found that they were rather looked down upon in consequence, and the chapter thought it much better to pay for them just in the same way that the parents of other boys paid for their children.

3571. Is the school limited in number?—No, it is only limited by the number which it will conveniently hold.

3572. What do the boys pay?—Above a certain age (I think it is above eight or ten, I am not sure which) they pay 10 guineas a year, and below that eight guineas.

3573. I suppose you find that practically that school is frequented by the sons of the tradesmen of the town?—It is very much.

3574. Have you any foundation at any of the colleges of Oxford or Cambridge in connection with that school?—No, we have no foundation whatever in connection with that school.

3575. Mr. *J. A. Smith.*] There is not a house?—No.

3576. Where is the school held?—The house which the schoolmaster used to have was a very small and inadequate one, and when we made the new arrangement and increased the salary to 250 *l.*, as the master's house stood in the way we pulled it down; it is now pulled down for some improvements.

3577. Where is the school held?—In a house belonging to the chapter; we have a schoolroom, but not a master's residence.

3578. Marquis of *Blandford.*] You stated that under the proposed arrangement an income of about 750 *l.* a year would be secured to each canon?—From 700 *l.* to 750 *l.*

3579. Will you be good enough to say what was the average income of each canon for any number of years preceding the arrangement?—I should think, taking the average of some years, it was not more than 600 *l.*

3580. So that a decided advantage has been given to the canons by the arrangement?—Yes; but then allow me to explain. Just before the arrangement took place a property was purchased; the dean and chapter purchased the lease of some land at Aberdare, in Glamorganshire, and it was set out for building land. From that property the chapter would have received a clear 1,000 *l.* a year. When I say "would have received," the whole arrangement was not completed when we laid out the scheme, but they would have received that amount from it.

3581. What funds had they to make that purchase with?—They made that purchase under an Order in Council from some railroad money standing in the Court of Chancery to their account.

3582. How many canonries have been suspended in Gloucester?—Two.

3583. The Ecclesiastical Commissioners then were entitled to 1,200 *l.* a year in virtue of those two suspended canonries?—Yes, they were entitled to one-fourth of the revenues, that is to say, two-eighths.

3584. And you say that the expenditure of the chapter for other purposes did not average more than about 3,000 *l.* a year?—I think not; it varied.

3585. So that a very considerable increase of income has been given to the chapter by means of this arrangement?—No doubt.

3586. Have the Chapter of Gloucester much property in tithes?—Not a great deal.

3587. Have you made many augmentations to vicarages out of your tithe preverty?—Not a great many, I think.

3588. You have made some augmentations?—We have made occasional augmentations. We have never made any reversionary augmentations; any augmentations which we have made have come into possession immediately.

3589. Can you state about what annual sum has been paid out of the chapter funds for augmentations to vicarages?—I gave that statement to the Commissioners, and I am speaking rather from memory than anything else, but I should think about 300 *l.* a year; that is to say, recent augmentations.

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3590. *Chairman.*] The Commissioners could produce that account?—No doubt.

3591. Marquis of *Blandford.*] Then in handing over the whole property, including tithes as well as land to the Commissioners, and in receiving a fixed sum from the Commissioners, does the payment of that 300 *l.* a year still fall upon the chapter?—No, that is deducted. Every charge to which the chapter are liable in respect of their estates was deducted in the first instance out of the amount of the reserved rents. Our reserved rents, for instance, amounted to about 2,000 *l.*, a year speaking in round numbers, and out of that every charge was deducted in the first instance, so that we left the Commissioners to pay those charges, having allowed them all in account.

3592. Then that 300 *l.* a year, paid in augmentation, does not form part of the 4,000 *l.* odd which is contemplated?—Not any.

3593. Did it form part of the 3,000 *l.* a year which previously to the arrangement you said the chapter were in the habit of expending in other payments?—No, it did not. Some of those augmentations came into the treasurer's account, and therefore no doubt increased the balance; but when the question was asked me, and when I said that I thought the amount was somewhere about 3,000 *l.*, I meant that there was about 3,000 *l.* a year spent in those things for which we are now to spend 4,200 *l.*

3594. Then, in fact, the augmentations to vicarages were not included in that sum of 3,000 *l.* a year, which you said was spent upon other objects than the immediate incomes of the members of the chapter?—No. It, of course, reduced the income of the body; and in saying 3,000 *l.* a year, I hope you will understand that I am speaking widely, and rather loosely, and for this reason amongst others, that the expenses of our fabric vary most extremely in different years.

3595. Are you to have back any tithe property, or is it all to be landed property?—The stipulation is, that we shall have back real estates of which not more than one fourth part shall consist of tithe or tithe rentcharges.

3596. Lord *R. Cecil.*] Why do you object to having more than one fourth?—Because we consider that one fourth part is about the proportion that our tithe rentcharges now bear to our real estates, and because we very much prefer having land to having tithe rentcharges.

3597. Why?—We consider that it will be more beneficial to the chapter to have the land; that there is more likely to be an increase in land than in tithe rentcharges, and we consider that the land is an infinitely better security for the chapter than the tithe rentcharges.

3598. Then you would not have made the arrangement, had not the arrangement been that you should have land back again?—We certainly never should have thought of making the arrangement if we had had the slightest idea that we should not have the land back again, with the usual powers of owners over that property.

3599. Marquis of *Blandford.*] Is there any arrangement that you shall have the patronage of the benefices the tithes of which you are to have handed back to you?—No, none at all; all our present patronage is excepted from the scheme.

3600. You retain your present patronage?—We retain our present patronage, but there is no other stipulation.

3601. If you do not have the patronage of those benefices, the tithes of which are to be handed back to you, there would be no inducement on the part of the chapter to augment them, would there?—No; but I think the chapter would expect, that when the Commissioners handed us back a part of what was to yield us, free of all deductions, a certain annual income, they would not give us tithe rentcharges which were subject to such claims, otherwise it would be rather an evasion of the arrangement.

3602. Sir *J. Graham.*] The annual value of the estate to be handed over to you, which you expect to receive, will be open to negotiation when the tender of the landed estate is made?—Certainly.

3603. And the quantum of that annual value will be the subject matter of future arrangement; it is not now fixed?—It will.

3604. Have you formed any opinion what should be the annual value of the landed estate to cover the incomes of the chapter and the 4,200 *l.* a year?—I have not; I have seen that estimates have been made by others, but I have not made any myself.

3605. You

3605. You have not formed any opinion of what the annual value of that estate should be?—No; I see it has been suggested to this Committee that there should be a certain amount to be accumulated for an improvement fund, but I have formed no opinion upon it, excepting that I think if there were such a thing it would be a very desirable thing for the chapter.

3606. You would not advise the chapter to take a landed estate barely covering the gross amount of their incomes and the 4,200 *l.* a year, which is now available for certain objects?—No.

3607. There must be a considerable margin?—That, I think, seems to be in some degree provided for here; what the Commissioners are to transfer to us is to be sufficient to secure to the dean and chapter a clear annual income after deducting rates, taxes, and other outgoings, including costs of management.

3608. The quantum of that margin must be the subject matter of negotiation?—It must.

3609. Marquis of *Blandford.*] If the amount expected is not realised in any year, is there any arrangement that the chapter shall come upon the Commissioners for any deficiency?—There is this clause, which is certainly meant as a security to the chapter. "And we further recommend and propose that none of the monies or estates to be received or acquired under the provisions of this scheme shall be applicable to the purposes of our common fund," that is, the Commissioners' Common Fund" (except only so far as it may be necessary to reimburse such fund any advances made thereout under the provisions of this scheme), until or unless by and under the like authority the said dean and chapter shall have been put into possession in fee simple of real estates," &c., as before. I conceive, therefore, that we have a lien upon this property. I apprehend that we might require all the proceeds of this property to be set aside as a special fund upon which we should, I think, have either a legal or an equitable lien.

3610. Do you mean then that in that way none of the proceeds of the chapter property can ever be made applicable to the common fund?—As soon as ever the Commissioners have transferred to us these real estates, then, of course, we are satisfied; we have nothing more to say.

3611. That is not the point which I put, it is this; supposing after the transfer of a real estate computed at the time of such transfer to be capable of giving an income of 8,460 *l.* a year, a year should arise in which the income of the property should not reach the amount which it was supposed that it would reach when the transfer took place, would the chapter, then, under that stipulation which you have read, have a lien upon the Commissioners to make up to them the deficiency?—No, I do not think they would; I apprehend their lien would continue only until they had accepted the estates transferred over to them under this clause; if it should so happen that those estates afterwards did not yield the 8,000 *l.* a year, or whatever the sum is, I apprehend that that would be the loss of the chapter, and it would be their fault for not seeing that the estates transferred to them were sufficient; and, on the contrary, I apprehend that, if from good management, or any other circumstances, or a rise in the relative value of money as compared with land, the estates after having been transferred to the chapter should become more valuable, the chapter would be entitled to the benefit of that increase. They would be liable to loss in case of decrease, and profit in case of increase, like any other owners of property.

3612. Sir *J. Pakington.*] To what extent is the support of the school a charge upon the chapter fund?—At present it is a charge upon the chapter fund to the extent directly of 150 *l.* to the head master, and 80 *l.* to the second master; that is, 230 *l.* as stipends to the masters. Then, as I said before, the chapter also pay 100 *l.* a year to that school for the education of the choristers. They have also now (but they are only commencing) determined upon paying an additional 10 *l.* a year for every chorister whose parents will board him with one of the masters.

3613. Then, if these charges of the whole salary of the head master, the whole salary of the second master, and these payments for the choristers are all defrayed from the chapter fund, to what expenditure are the payments from the scholars applied?—The payments from the scholars are applied in further remuneration of the master; the former amount alone would not be at all a remuneration for the master. The school fund receives (which is divided between the

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masters in certain proportions, and the expenses of the school) ten guineas for every boy who is there, whether he is a chorister or whether he is anyone else.

3614. What do you mean by the "school fund?"—The school; it is paid over to the head master, but he is obliged to divide it in a particular way.

3615. I think you said that the scholars pay 10 guineas per annum each?—They do.

3616. Then did I understand you rightly, that these payments of 10 guineas per annum each from the scholars, go in aid of the salaries of the masters in addition to the allowance made from the chapter fund?—Yes; they are applied in a certain ratio, specified in a scheme which has been approved by the bishop, our visitor. The head master receives for each scholar so much out of the school fund; that is to say, out of what we may call the common fund; the second master receives so much also for each scholar; the remainder is applicable to the payment of the salaries of the other masters and other school expenses; it all goes to the head master, but is divided in a particular way.

3617. Mr. *J. A. Smith.*] Is there any obligation upon the chapter to have a school by endowment?—Yes.

3618. What is that endowment?—The statutes of Henry the Eighth direct it.

3619. Sir *J. Pakington.*] What is the difference between the payment by the boarders and the payment by the day scholars; I understand you that it is the day scholars who pay 10 guineas a year?—They all pay 10 guineas a year to the school fund; what the boarders pay to the masters is a matter of arrangement between themselves.

3620. Then all the scholars, whether day scholars or boarders, pay 10 guineas a year to what you call the school fund, and the further payment by the boarders to the masters is a matter of arrangement with them?—Yes.

3621. I understand you to say that this school has been considerably improved in its character since the new arrangement commenced?—Yes.

3622. Does the new arrangement date from this arrangement on the part of Commissioners to pay this fixed income to the chapter?—No, it began a little earlier, but it has been gradually improved; I think it began a twelvemonth before; it began upon the death of the late master; then the chapter determined to make a better arrangement, and they had before this scheme raised the head master's salary to 150 *l.* a year; they have added some other things since.

3623. Then I understand you to say that the whole of this improvement of the school has been entirely effected by the chapter, and not suggessted by the Commissioners?—Certainly.

3624. What is the total number of scholars?—I cannot say; all I can say is, that I believe the school is very well attended and full; I heard it said the other day that there were about 50 boarders, and I know that the school is well attended, but I have not had occasion to enquire.

3625. Do you know whether the scholars consist mainly or entirely of children of the tradesmen and middle classes of the town, or whether they consist in any great degree of the children of the neighbouring gentry?—They consist more of the children of the middle classes in and about the town; there are some of the children of the neighbouring gentry who are boarders, and some of the scholars come from a distance, from the connections of the master himself.

3626. I presume that such a school so arranged is found a very great advantage to the middle classes of the town, as giving them a better school for their children than they would otherwise have?—I think so.

3627. Sir *J. Graham.*] How is the master appointed?—By the dean and chapter.

3628. Is there any competition, or is it a nomination by favour?—There is great competition; upon the death of the late master I should think we had nearly 100 applications.

3629. How is the selection made?—We reduced them, as well as we could, down to a moderate number, and then the chapter met, and those especially who knew something about education took more interest in it than others; our treasurer, Dr. Jeune, the master of Pembroke, and others, selected the man whom they thought, upon a personal interview, and also from his testimonials, the most eligible.

3630. There was a large number of candidates, and a careful selection by the the Chapter, acting as a body?—Yes.

3631. Sir *J. Pakington.*] Do you know whether the applications for admission into

into the school on the part of scholars are more numerous than can be complied with?—I do not know.

3632. With whom does the selection of scholars rest?—It is left to the head master.

3633. Mr. *J. A. Smith.*] You stated that your statutes prescribed that there should be a school?—Yes; the statute directs that the chapter shall appoint a head and second master, to teach the boys who resort to their grammar school; it does not expressly mention the school, but it mentions the schoolmasters.

3634. Is there any particular fund set apart for the expenses of the school?—No; there was never any particular fund set apart for anything in our chapter.

3635. No charge upon any particular canonry?—No; I believe it is much the case with many of the new chapters founded by Henry the Eighth.

3636. Up to the period of the improvement which you have mentioned to the Committee, was the school practically dead?—No, it was not; there were a good many boys there.

3637. Was there any period at which there was no attendance, or next to no attendance of boys?—Yes, perhaps from 30 to 40 years ago, or something of that sort; there was a time when the master was very negligent, and he had not many scholars.

3638. That not arising from the absence of funds on the part of the Church?—No.

3639. But from neglect of duty on the part of the master?—At certain times it has been a school in very great repute; at others it has gone down almost to nothing; it has risen and fallen entirely from the exertions of the master.

3640. Do you know how many masters there are, in addition to the head master and his assistant?—I think there are three; I am not certain; I know there are a resident drawing master, and a resident French master, and I think there is a third.

3641. Has there ever been anything done or said in reference to this school by the Charity Commissioners?—Nothing.

3642. You mentioned in the earlier part of your evidence the fact of your having valuable property, building land, which you estimated as likely to give you 1,000 *l.* a year?—Yes.

3643. Do you refer to Aberdare?—Aberdare.

3644. Is there nothing else at Aberdare besides building land?—There is some coal under the building land.

3645. Before you transferred this property to the Ecclesiastical Commissioners, had you not an offer of 30,000 *l.* for a lease of that coal?—We had not a specific offer of 30,000 *l.* for a lease of the coal; but we were told generally that we could let the coal at a considerable sum. In the first place, the matter had not gone far before the treaty with the Ecclesiastical Commissioners began; however, we hesitated very much about accepting it, for this reason; the coal was immediately under the building ground, and we were afraid that if we had the coal worked there, we might injure the ground above. We never positively refused an offer of the sort, nor do I know that it ever came in the shape of a specific offer of 30,000 *l.*; but we hesitated a great deal about it on that account; we thought that very likely if we allowed the coal to be worked we should have all the houses falling into the pits.

3646. Are you not very moderate in estimating 1,000 *l.* a year as the value of the building land?—I think we are.

3647. Do you know the circumstances of the town of Aberdare?—Yes, I know Aberdare.

3648. What are the circumstances of the town; I mean as to the increase of population?—It is increasing most rapidly; the demand for building ground there when I knew it (I have not known it within the last twelvemonth) was very great indeed; and in fact the town, which I recollect very little more than a village, is now extending for miles.

3649. Is there not a population of 25,000 there?—I believe there is.

3650. Do you know what the means of spiritual instruction there are?—Not very good; the clergyman who is there now is a very zealous man, and does all he can.

3651. Has anything been done in aid of his efforts?—Aberdare was a chapelry attached to the vicarage of Llantrisaint; the vicar of Llantrisaint had the patronage of Aberdare; he appointed a perpetual curate; it became a perpetual curacy

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in consequence of having been augmented by Queen Anne's Bounty; some time ago the chapter consented to a proposal made by the vicar to transfer the advowson to the Marquis of Bute, the Marquis of Bute undertaking to make an addition to the stipend; I was trying to recollect whether the chapter at that time not only consented to the transfer, but also assisted the Marquis of Bute in endowing Aberdare; I do not think they did.

3652. Am I accurate in stating that the whole sum received by the perpetual curate or incumbent of Aberdare from tithes, or other property in the parish, is 10 *l.* a year?—I cannot tell you; as I have said before, it is not even a living in our gift, and I do not at all know.

3653. Are you aware that the present incumbent since he has been there has built two large churches?—I know that one large church has been built.

3654. You are not aware of a second?—No, I do not think I have seen the second; I think the second is a little out of the town.

3655. Has any assistance been given to either church by the chapter?—They made a grant; not a very large one.

3656. Do you recollect the amount?—No; I see the vicar is in the room, and I have no doubt he can tell you.

3657. Lord *R. Cecil.*] Do the chapter possess the great tithes?—A portion of the great tithes of Aberdare; a portion belongs to the vicar.

3658. What sum do they draw from them?—They are in lease.

3659. What sum do they yield the lessee?—I think it is 134 *l.* a year; I am not certain.

3660. Has any portion of them ever been granted towards the spiritual requirements of the place?—Not of late years; but a part of the great tithes belong to the vicar of Llantrisaint, which is the parent vicarage, and I presume therefore that at some time or other they may have been granted to the vicar as a part of his provision; it has not been within my time.

3661. Mr. *J. A. Smith.*] Am I not accurate in stating that this is one of the most remarkable instances of rapid increase of population, even in that district?—I believe it is.

3662. Is it not the fact that there is a very large property in the place belonging to the chapter, and that no assistance has been given by the chapter to the efforts made to increase the spiritual accommodation of the place?—In the first place, the dean and chapter can scarcely be said to be the owners of a large property at Aberdare; I am not now speaking of these 21 acres which have lately become available, because those have only become available within the last four or five years; and in fact, as I stated to the Committee before, when we handed the land over to the Commissioners, it was merely about being let; there was none of it granted at that time; but the only property which the chapter had in Aberdare consisted of those 21 acres of glebe, which was upon lease, and only leased as agricultural land; what the chapter possessed in Aberdare was 21 or 22 acres of land, (a large glebe meadow, which till very lately was granted out on lease as agricultural land,) and a portion of the great tithes of Aberdare. I should be sorry to speak without book as to what the value of the tithes of Aberdare was, but so far as I remember from the last valuation of them, they were about 134 *l.* a year; I may be wrong in that.

3663. Lord *R. Cecil.*] Do you remember what the fine was?—The fine was about 2,900 *l.*, but that was not for Aberdare; it included the tithes of property extending from Cardiff to Aberdare, you may say.

3664. *Chairman.*] How much of the fine was paid on account of Aberdare?—Supposing that the net value of the tithes of Aberdare was 130 *l.* there would have been somewhere about 260 *l.* paid.

3665. Mr. *J. A. Smith.*] When did the lease of that land to which we have been referring expire?—The lease of that land was purchased; it did not expire.

3666. It was purchased by the chapter?—By the chapter.

3667. Was there no application made to the chapter four or five years ago to let that land upon building leases?—Yes; the chapter were in treaty for a long while before they completed the purchase; I do not think it is much more than four or five years ago; they only completed the purchase in the year 1854. Difficulties arose, partly under the 5th & 6th of Victoria, the Act under the provisions of which we intended to purchase; we could not come to arrangements with the lessee; in fact, we were not able to make our arrangements until, I think, August 1854, and in August 1854 we signed an agreement to purchase.

3668. Have

3668. Have not urgent applications been repeatedly made to the chapter in reference to the extreme want of spiritual instruction in the place?—Yes, I believe so.

3669. Do you know what answers were given?—I do not know that I do, exactly.

3670. Do you know upon what ground refusal of assistance was placed?—I do not know exactly what answer was given.

3671. Have not the Ecclesiastical Commissioners closed a bargain for a lease of the minerals for 35,000 *l.*?—No.

3672. Have you not heard that?—No. I should almost think they have not; but I do not know.

3673. Marquis of *Blandford.*] With reference to these places in respect of which claims existed against the chapter, for augmentations and for grants for spiritual purposes, do the chapter consider that in handing over their estates to the Commissioners the claims of those places no longer apply to them, but to the Commissioners?—Certainly.

3674. So that in fact they have devolved the responsibility of providing for those places upon the Commissioners?—I think it necessarily must be so; they have handed over to the Commissioners all their estates in those parishes. They are quite cut off, as it were, from any connexion with those parishes, excepting, of course, the places where they are the patrons, and there they have the mere patronage.

3675. What application do the chapter, then, contemplate of this 4,200 *l.* a year, which is to go for the sustentation of the fabric and for charitable purposes, while they have no estates of their own, and are only in the receipt of a fixed payment?—I do not think that at present, at any rate, nor for many years, that 4,230 *l.* a year will be at all too much for the purposes specified in the schedule which I have read.

3676. *Chairman.*] Are the sums applicable to the restoration of the fabric specially under the direction of the dean; does the dean apply the money?—No.

3677. It is applied by the dean and chapter?—By the dean and chapter; certain duties devolve upon the treasurer; but, excepting that, it is done by the dean and chapter.

3678. Do you know at all what will be the sum required for the ordinary repairs of the fabric when the restorations are completed?—The restorations involve the repairs in a great measure; it is not the restoration of ornamental parts particularly, but a restoration of portions which are decaying, and which require something more than mere common patching and repairs.

3679. Sir *J. Graham.*] Who are the four canons?—Mr. Banks, Mr. Wetherell, Sir John Seymour, and Dr. Jeune, the Master of Pembroke; a canonry of Gloucester is attached to the Mastership of Pembroke.

3680. Lord *R. Cecil*] How long has the Master of Pembroke been a canon?—Since he has been Master of Pembroke; I should think 12 or 14 years.

3681. *Chairman.*] He is treasurer of the chapter?—We appoint a treasurer annually; he has been now for some years treasurer.

3682. Lord *R. Cecil.*] The management of the estates comes before him, and I suppose most of the claims for assistance?—No, the claims for assistance do not; the claims for assistance are always brought before the chapter.

3683. They are considered by the full chapter?—Yes.

3684. You said, I think, that the whole property handed over by the chapter amounted to nearly 30,000 *l.* a year?—Somewhere thereabouts.

3685. And that one-fourth of that was tithe rentcharge?—No, about one-fifth.

3686. Are those tithes generally derived from places otherwise amply endowed, or places destitute?—I do not think they are very amply endowed. There is one place where we have increased the vicarage several times of late, and that is Great Marlow; we have the tithes of Great Marlow, that is one of our largest properties.

3687. I understood you to say that a large proportion of your tithes, one-third at least, lay in Wales?—Yes.

3688. Those are all very destitute places?—Many of them are.

3689. And the amount of augmentation which the chapter have given is 300 *l.* a year out of this 6,000 *l.*?—They have very frequently voted and paid sums of money towards augmentation besides that. You are speaking of the

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charges which they made upon their rents; without having the papers before me I could not speak decidedly upon that, but I should think that the existing charges upon the rents are somewhere about 300 *l.* a year.

3690. Mr. *J. A. Smith.*] Do I rightly understand you to recognise a difference in the disposition of the chapter to grant an augmentation whether the living applying is in their own gift or not?—I can hardly call to mind any particular instances which would enable me to answer that question very decidedly.

3691. Can you call to mind any case of augmentation where the living was not in their own gift?—No; I cannot call to mind any case of augmentation where the augmentation has been by a permanent charge; but I certainly think I could produce many instances in which they have rather handsomely and largely contributed to the aid of livings, where they were not in their own gift; I do not remember any case where they have charged their estates with an annual payment; I will not say that it has not been so.

3692. Is there any other case connected with the property of the chapter so urgent, with reference to the largeness of the population and the smallness of the supply of spiritual aid, at present as Aberdare?—I do not suppose there is any place where the population has so much outgrown the appliances for spiritual aid as at Aberdare.

3693. Are you at all aware of the large proportion of Dissenters at Aberdare?—I am not.

3694. Lord *R. Cecil.*] I suppose the Dissenters are very numerous all over the Welsh places?—They are considered so; I cannot speak much of them of my own knowledge.

3695. Sir *J. Graham.*] You have said that before the transfer to the Ecclesiastical Commissioners, there were handsome and large contributions on the part of the chapter; will you give us an instance of what you consider a handsome and large contribution?—I think they contributed considerably to a district church near Gloucester, where they had no property in the place. I think Parliament required something like a return some time ago of the sums of money which had been expended by the chapter in that way, and I made some such return; I have not had occasion to look at it since, and I spoke of my impression; the question asked me was, whether the chapter ever contributed in cases in which they had not the patronage of the living; I stated that I could not at the present moment mention any specific instances; but I believe that they have contributed occasionally, and I think not very illiberally, in instances where they have not had the patronage.

3696. But no such instance, at the present moment, occurs to your recollection?—No.

3697. Mr. *J. A. Smith.*] And, though it was so urgent a case, they did not contribute to Aberdare?—They have not, altogether, not contributed; they have given some money; not a very large amount.

3698. To what?—I think towards the church, or towards the school, but to one of the two. I was not at all aware that the Committee would wish to be informed upon those subjects, nor indeed, could I, in London, very conveniently have refreshed my memory upon them. But I think I ought not to leave the impression upon the Committee that the available property in Aberdare belonging to the dean and chapter was very large.

3699. Lord *R. Cecil.*] With respect to the 300 *l.* a year which has been given in augmentations out of tithe rentcharge, can you tell me at all into how many cases it has been distributed?—I cannot, at all.

3700. You said that a certain amount of the 4,000 *l.* a year which is to be assigned by the Commissioners to general purposes, is to be given to local charities; what are those local charities?—They are principally schools.

3701. Schools in Gloucester?—There are some in Gloucester.

3702. Schools on the estates of the chapter?—Yes, principally schools where they are interested, where they have had property. Of course I cannot answer for the chapter, but I consider that they feel themselves quite at liberty to give aid to livings in places which require it, out of that fund as well.

3703. Do you remember at all how much they have been in the habit of giving in such charities?—For schools?

3704. Say for schools.—I think they are now paying about 70 *l.* or 80 *l.* a year for subscriptions to local schools; 5 *l.* apiece generally.

3705. Do they subscribe to any local diocesan societies, such as diocesan building societies,

societies, or diocesan schools?—Not as a body; those subscriptions are paid individually.

3706. Mr. *J. A. Smith.*] Do the chapter consider themselves bound in reference to the word "grammar," to limit the education afforded in the school?—No.

3707. They give a wide interpretation to that word?—They give a grammar education, and they give, in addition to that, a modern education. I should say with regard to some of the subscriptions which are spoken of, that the Ecclesiastical Commissioners objected to one of our subscriptions; we did subscribe to the National Society; they objected to that. The Ecclesiastical Commissioners consider that subscriptions by the body out of that fund in which they are themselves partly interested, ought to be confined more to local purposes.

3708. *Chairman.*] Did the chapter attend to that suggestion of the Ecclesiastical Commissioners?—They did.

3709. Did they think themselves bound to do so, or did they do so as a matter of discretion?—They did not wish to dispute the point.

3710. Sir *J. Graham.*] But that interference on the part of the Ecclesiastical Commissioners with reference to subscriptions for charitable purposes is now at an end, under the new arrangement, since the 4,200*l.* for general uses has been transferred to the chapter?—No doubt that is so.

3711. And the discretion rests with the chapter?—The discretion rests with the chapter.

3712. Mr. *Mowbray.*] The subscription to which the Commissioners objected was for the National Society in London?—I think it was.

3713. Not to a Diocesan Society?—We have no Diocesan Society. The National School in Gloucester we subscribe to.

3714. Lord *R. Cecil.*] Have you no Diocesan Society of any kind?—I do not think we have; I do not subscribe to any.

3715. Marquis of *Blandford.*] Do you consider that the position of the chapter has been improved in a pecuniary point of view by means of the transfer?—I think it has.

3716. The position of the chapter before the transfer was this, I think; the dean's income was 1,000*l.* a year, was not it?—I should think it was more than that.

3717. The canons had 600*l.* a year apiece, you said, on an average?—The dean had always more than twice what the canons had.

3718. The canons had about 600*l.* a year each on the average?—Yes; it was increasing.

3719. That made about 3,400*l.* a year; and the remaining 3,000*l.* went to other purposes, making a sum of 6,400*l.* or 6,500*l.* a year?—Yes.

3720. That was the position of things before the transfer?—Yes.

3721. Their financial position, subsequently to the transfer, is that they have 8,460*l.* a year?—Yes.

3722. In the first place, they had 6,500*l.* a year, with a liability or a claim resting against them to make contributions for spiritual purposes in places where they had property. Subsequently to the transfer, they have an income of 8,400*l.* a year without that liability at all?—You will understand that when I speak, both as to the average expenditure being 3,000*l.* a year, and as to the income of the canons, I am speaking without having reference to any immediate data; I am speaking from my general impression upon the subject; I should also say that when I speak of 600*l.* a year, as having been about the income of a canon, I mean taking some considerable average of years; the income of the chapter was increasing very considerably of late years; an alteration was made in their fines, and some property came in, such as the Aberdare property, none of which, of course, I reckon in this 600*l.* a year.

3723. However, the position was that before the transfer they had an average income of about 6,500*l.* a year, and subsequently to the transfer they have an income of 8,400*l.* a year?—I think, if you took a few years, say the last seven years, before the transfer, you would find that the income was greater, because it was an increasing income.

3724. Subsequently to the transfer they have an income of 8,400*l.* a year, without any liability or claim resting upon them in respect of making spiritual

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provision for places where they have property?—They have not, of course, got those claims which might have been considered as attaching to them as the holders of property in places where they have given that property up; I do not think that I can give any other answer.

3725. You consider that the financial position of the chapter has been improved by the change?—Yes.

3726. Do you think it was owing to that consideration on the part of the chapter that they were induced to make the transfer?—Not entirely; there were other inducements.

3727. What were those inducements?—One inducement was that the property might be interfered with a good deal, and that it was desirable for them to make fair and equitable arrangements.

3728. Is that in reference to any provisions which have been made by Parliament for the transfer of the property?—Yes.

3729. Mr. *Mowbray.*] What is the date of the Order in Council fixing 8,400 *l.*?—The 26th of June 1855.

3730. Was there much discussion previously between the Commissioners and the chapter as to the sum to be fixed?—We satisfied the Commissioners that the sum which they allowed us was not more than what we might fairly look upon as our future income.

3731. The whole income of the property tansferred you consider to be about 10,000 *l.* a year?—I should think it was.

3732. So that you have transferred to the Commissioners 1,500 *l.* a year, which is the share of two canonries; and with that 1,500 *l.* a year you have thrown upon them all the responsibility devolving upon the chapter, as owners of landed property or rentcharge?—Yes: but we also gave them all the advantage to be derived from arrangements which they could make with the tenants and with the lessees.

3733. While relieving yourselves of this responsibility, you have also received an addition of 1,200 *l.* a year for the expenditure of the chapter on the fabric, and other items?—Yes, we have.

3734. Sir *J. Pakington.*] Have the Commissioners as yet effected any sales of the chapter property of Gloucester?—They have not.

3735. Not to the lessees?—They have entered into contracts for the sales, but none of them have yet been carried into effect.

3736. In those cases of contracts for sales which they have entered into, have they applied in any manner for the concurrence of the chapter?—They have not.

3737. As a matter of construction of the Act of Parliament, is it your opinion that the Commissioners have the power of giving a good legal title without the concurrence of the chapter?—I have looked over the Acts; I have certainly been rather puzzled by them; but I suppose that the Commissioners must have sold and conveyed property under similar circumstances; and in all probability those titles must have been passed by much better conveyancers than I am, and approved of. So far as I am concerned, I certainly do not understand how they can make a good title, more especially if we have anything like a lien upon the property.

3738. Your individual feeling, then, is one of doubt whether a good title could be given without the concurrence of the chapter?—I certainly should not be satisfied in taking such a conveyance for any client of mine, without the opinion of counsel upon the subject.

3739. Sir *J. Graham.*] You are aware that other chapters have entered into arrangements with the Commissioners, similar to that made by the chapter of Gloucester?—Exactly.

3740. Is it not a matter of notoriety that the Commissioners have made sales to lessees of property so transferred by chapters?—I should think that they must have done so; therefore I suppose that they must have the power.

3741. *Chairman.*] Do you conceive that, by the terms of the Order in Council, in the case of Gloucester, the Commissioners are debarred from applying the proceeds of those sales to the common fund?—Yes, expressly, by the terms.

3742. Therefore the proceeds of those sales must remain to accumulate until some estates are transferred to the chapter?—It seems to me that that is the only construction

construction which can be put upon the clause; it is express as to that; that none of the monies or estates shall be applicable to the purposes of the common fund, except to reimburse advances, until such and such things are done.

3743. That applies to the proceeds of sales, as well as to the present returns?—It says, "None of the moneys or estates;" therefore I presume that if the estates are sold, the proceeds cannot be so applied.

3744. Do you suppose that that is the construction put upon the Order in Council by the Commissioners?—I do not know; we have never had occasion to raise the question.

3745. Lord *R. Cecil.*] You said that there was a large property near Gloucester which was among those conveyed by you to the Commissioners?—There is a great deal of property about Gloucester.

3746. Very valuable property?—Yes.

3747. Do you know whether that is to be reconveyed to you?—I do not at all know; I do not see how the Commissioners can know themselves.

3748. But it will be your object, of course, to have property as near you as possible?—Yes; but I do not think the Commissioners can tell, because I believe the Commissioners offer the reversions to the lessees, and therefore until they know that the lessees refuse them, they cannot tell.

3749. It is all to be conveyed back to you as an enfranchised estate?—It is all to be conveyed back to us in possession, without a lease upon it.

3750. Mr. *Mowbray.*] At rack-rent?—Yes.

3751. Lord *R. Cecil.*] Do you at all know the expense of conveying from you to the Commissioners and back to you?—There is no conveyance. This Order in Council says, that after the publishing of it in the Gazette, this property shall, without any other conveyance than the order itself, become and be vested in the Commissioners; consequently there is no conveyance.

3752. Is it practically done, do you suppose, without any expense of surveying or otherwise?—I know that the Commissioners are now surveying all the estates.

3753. For this purpose?—No; not for this purpose. I suppose in order to know what estates they have, and to enable them to deal with the lessees or other persons who may apply for enfranchisements. I believe that is their object.

3754. They had not surveyed them previously to this arrangement?—No. We have had them all surveyed. I believe we had surveys of every one of the principal estates which were held for 21 years, because we had them all valued previously to the renewals. We were therefore able to hand over to the Commissioners surveys and valuations of those estates which were not made for the purpose, and therefore were more worthy of credit, but which had been made from time to time for the purpose of the renewals which had taken place.

3755. The Commissioners were not satisfied with those surveys?—I believe they were quite satisfied with them, but now that they have got the estates in their own hands I presume they wish to have the report of their own surveyor upon them.

3756. Marquis of *Blandford.*] Did you receive many applications for enfranchisement before you made this transfer?—Yes, a good many.

3757. Did you proceed with those?—With very few; the dean and chapter did not accept every application which was made for enfranchisement; they continued their renewals.

3758. They thought it better, if enfranchisements were to be conducted, that it should be done by the Commissioners after the transfer took place?—Long before the notion of a transfer to the Commissioners they had refused some applications for enfranchisement; the fact is, that they considered that it would scarcely answer their purpose to substitute enfranchisements for renewals in general cases of leases held for 21 years. In the cases of leases for lives, or copyholds for lives, they were willing in most instances to listen to terms of enfranchisement; but with regard to leaseholds for 21 years they did not see any reason why they should not continue to retain the possession of the estates and to renew them in the usual way, because of the money that was paid for enfranchisement, as probably you are aware, a considerable portion was paid over to the Ecclesiastical Commissioners.

3759. Therefore the chapter considered, that as they derived no immediate

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benefit from the enfranchisement it was not worth their while to go on with it?—In many instances; the income arising to the chapter from the renewal of leases held for 21 years came in sufficiently regularly; it all came in at the accustomed periods, every seven years, and therefore they could pretty well tell beforehand, although it was not actually equal, what their income would be. With regard to property held upon lives, that was quite a different thing; it was of course so completely a chance as to when that property would become renewable, that it was considered by the chapter the least desirable property which they possessed, and therefore the one which they would soonest get rid of.

3760. Is it your opinion, that the clause in the Act of Parliament which provides that the chapter shall only have a limited interest in any enfranchisement which they shall effect, has operated against enfranchisements taking place by the chapter?—I think that has had its effect, no doubt.

3761. Mr. *Mowbray.*] The Enfranchisement Acts of 1851 and 1854 have been practically inoperative with regard to Gloucester?—Yes; it was a long while before we thought of enfranchising at all under those Acts: it was some time before they were much taken into consideration.

3762. Did the lessees think of it?—No, they did not; I do not think there were any applications made by the lessees, certainly before the year 1853, and the first Act passed in 1851.

3763. Have the lessees been satisfied with the refusal of the chapter to enfranchise?—I cannot say; those who applied wished, I dare say, to enfranchise, but they acquiesced in the refusal.

3764. What number of applications have you had from lessees?—We have not had a great number of applications, especially from persons holding any considerable property. A great deal of our property is held in very small holdings. The greater proportion of the applications which we have had were made last year, just before and just about the time when we were treating for the transfer to the Ecclesiastical Commissioners. We had a great number of applications made then, and they were all of them handed over to the Ecclesiastical Commissioners; but the number of applications made to us previously, and at a time when we could ourselves, if we had liked it, have agreed, I do not suppose was more altogether than 40, and it may have been considerably less.

3765. Do you know what number of applications you had last year?—I think that we have had applications, altogether, to the amount of 70 or 80, and the greater portion of those was last year.

3766. The importance of the application in each instance would not depend upon the value of the property?—Certainly not.

3767. A small property might be of equal interest to one man as a larger property to another?—Yes.

3768. Is the matter of settling the whole question of enfranchisement one of the labours and responsibilities which you propose to transfer to the Commissioners?—As being the chapter clerk, I should not have proposed to transfer it to the Commissioners.

3769. Sir *J. Graham.*] Of the present chapter, namely, the dean and four canons, how many were appointed before the income of the members of the chapter was limited by Act of Parliament?—All but one.

3770. The dean and three canons?—The dean was appointed in the year 1825.

3771. And three out of the four canons held their appointments before the limitation?—Yes. Dr. Jeune is the junior canon.

3772. Dr. Jeune therefore is the only canon who is subject to the limitation?—Yes.

3773. And notwithstanding that fact, the dean and three out of the four canons not being subject to the limitation, have all concurred in the transfer upon the terms which you have specified to the Committee?—Yes.

3774. Marquis of *Blandford.*] At the same time those canons who are not subject to the limitation get an increased income by means of the transfer?—Yes. The income of none of the canons amounts to the sum limited by Act of Parliament. By the Act of the 5th & 6th Vict., the income of the dean is limited to 2,000 *l.* a year, and of each of the canons to 1,000 *l.* a year. The Act of the

2d & 3d

2d & 3d of Victoria, fixes the minimum 1,000 *l.* for the dean, and 500 *l.* for each canon.

3775. Lord *R. Cecil.*] How many canons are generally present at the chapter?—They all attend; more frequently than not.

3776. How frequently are the chapters held?—We have only two general chapters in the year; I am speaking of general chapters.

3777. But for the ordinary transaction of business?—We have no particular time for meeting.

3778. Mr. *Mowbray.*] Are there regular periods?—Those are our only two statutable chapters, one on the 30th of November, and the other on the 23d of June.

3779. Is there no weekly meeting of your chapter?—No.

3780. Marquis of *Blandford.*] In drawing up the leases do you receive the fees paid by the lessees for renewal?—I used to do so.

3781. Before the transfer?—Yes.

3782. That is usual with chapter clerks, is it not?—Yes.

3783. They have an interest in the leasing system?—Certainly.

3784. Did you advise the chapter to enter into this scheme of transfer, or was it independent of your advice?—I assented to it; of course I had really no voice in the matter.

3785. Are not the chapter in the habit of asking the advice of their chapter clerk in reference to the management of their property?—They are in the habit of doing so if they want legal advice, but I think they generally act for themselves if it is a question of expediency.

3786. Mr. *Mowbray.*] Who manage the property in the interval between the half-yearly meetings?—The whole of our property was out upon lease; when I say the whole of it, I mean nearly all; consequently the management of our property consisted in receiving the rents, and in having the property surveyed, especially previously to renewals, and a report made upon the state of the property and the value. We had a surveyor, Mr. Hall, who always did that. I used to give him a list of all the properties renewable, and he looked it over and made a report to the chapter.

3787. Then assuming a chapter to have been held on the 1st of January, there being no meeting of the chapter again until the 1st of July, and a question of business arising requiring immediate decision, by whom was that decision made?—If there was a sufficient number of the chapter in Gloucester they would have immediately met and decided it.

3788. Lord *R. Cecil.*] What is a quorum?—Two canons and the dean. If it was a matter which required a chapter to decide, it would have been my duty to summon a special chapter, and they would have met for the purpose.

3789. Mr. *Mowbray.*] Were minor matters left to you to decide?—There were very few matters that were left to me. I used to see that the salaries were paid. There was always one or more of the members of the chapter resident, who always took upon himself, if he thought necessary, with my advice, the management of all minor matters; there were always some of the members of the chapter present in residence.

3790. Sir *J. Graham.*] The transfer to the Ecclesiastical Commissioners was attended with a sacrifice of income on your part from the cessation of leasing?—It was in that respect; but compensation was made to me for that. The scheme directs that 340 *l.* a year shall be paid by the dean and chapter to their chapter clerk, until the estates are re-transferred, and when they are re-transferred that is to cease.

3791. Out of what fund is that paid; is it part of the 8,000 *l.* odd?—No.

3792. Out of what sum is it paid?—It is a specific and separate sum mentioned in the scheme which is to be paid until the transfer of real estates is made to the chapter; then it is to cease.

3793. Is it paid by the Ecclesiastical Commissioners out of the common fund?—It is paid by the Ecclesiastical Commissioners.

3794. Out of the common fund?—It is paid out of the estates of the chapter.

3795. That is a deduction before the balance is carried to the common fund; it is the same thing?—No doubt.

3796. Mr. *Mowbray.*] It is in addition to the sum of 8,460 *l.* which has been

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alluded to before, and in reduction of the residue between 8,460 *l.* and 10,000 *l.*?—Yes.

3797. *Chairman.*] Are there any other items besides the 340 *l.* in a similar situation which are not contained in the 8,460 *l.*?—No; the provision is, "That in consideration of and for such transferred conveyance" (there is no particular conveyance) "we shall surrender all right, and be excluded from all participation in respect of the said suspended canonries to and in the property to be excepted from such transfer to us as aforesaid, and that there shall, on the 1st day of January and the 1st day of July in every year, be paid by us to the said dean and chapter, in respect of the half year then last past, the sum of 4,230 *l.*, and also until the said dean and chapter shall have been put into possession of real estates as hereinafter mentioned, the further sum of 170 *l.*; such last-mentioned sum to be by them appropriated, and paid to the chapter clerk for the time being, in respect of the profits which would have accrued to him on account of the management of the estates hereby proposed to be transferred to us; and that the first payment," and so on.

3798. Mr. *Mowbray.*] That 170 *l.* is half-yearly?—Half-yearly.

3799. Making 340 *l.* annually?—Making 340 *l.*

3800. So that the whole charge is 8,800 *l.*, leaving 1,200 *l.* available for the Commissioners, being the difference between 8,800 *l.* and 10,000 *l.*?—Yes. I mentioned 10,000 *l.* as being about the sum.

3801. The Commissioners being entitled to the share of two canonries?—Yes.

3802. And the share which the other canons receive being at the rate of about 750 *l.* per annum each?—Yes.

3803. So that the Commissioners' share of two canonries is less than the amount received by two of the other canons?—I mentioned 10,000 *l.* a year as being about the value. I said, at the same time, that all those particulars had been given to the Commissioners, and that they would be able to say more particularly what the annual value was; it is somewhere about that. The annual value certainly covered the payments made to us, including 1,500 *l.*; it must, therefore, have been somewhat more than 10,000 *l.*

3804. Does not it appear to you that the Ecclesiastical Commissioners, in agreeing to receive 1,200 *l.* per annum as the share of two canonries, and to take all the responsibilities attaching to them as the owners of this property, were making rather an improvident bargain with the chapter?—Of course it was not my business to consider the providence or improvidence of the bargain; but I think not. It gave the Ecclesiastical Commissioners an opportunity of converting this property, by sales or purchases, much more rapidly, no doubt, than it could have been done if it had remained in the hands of the chapter; it also saved the trouble of having two sets of agents in case of any of these sales or purchases; and then, I believe, the Ecclesiastical Commissioners professed to put us in possession of quite as good an income as we could have derived if we had retained the estates in our own hands, which we considered as fair, and were of opinion that if anything, we should rather have an advantage given to us, because we were foregoing all chance of increase.

3805. Then all cases of sales and purchases will be made at the instance of the Commissioners?—Yes; we have nothing to do with them.

3806. *Chairman.*] Was it the custom of the members of the chapter to make any visits or progresses to their estates?—They used to do so occasionally; not very regularly; for many years they have had a regular surveyor who has surveyed all their estates; they have occasionally visited them as opportunities arose; but they found that they were much better looked after by a surveyor than they were by themselves.

Martis, 6° *die Maii*, 1856.

MEMBERS PRESENT:

Lord John Russell.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Walpole.	Mr. Mowbray.
Lord Robert Cecil.	

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Mr. *Richard Hall*, called in; and Examined.

Mr. *R. Hall.*

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3807. *Chairman.*] ARE you a surveyor?—I am.

3808. Do you know the estates of the Dean and Chapter of Gloucester?—I do, very well.

3809. What has been the usual mode of granting leases on those estates?—A large portion of the chapter estates are granted on leases for 21 years, renewable every seven years; other portions are copyhold for lives, and there are a few leaseholds for lives.

3810. With regard to those leases for 21 years, was it understood that they would always be renewed at the end of seven years?—It has been always customary to renew them at the end of seven years. During the period that I have been connected with the property they have been invariably renewed; that has been for 22 or 23 years.

3811. Was it the invariable custom to renew the leases at the end of seven years?—It was.

3812. Have those estates now been transferred to the Ecclesiastical Commissioners?—They have.

3813. What has been the case with respect to renewal since that time?—Renewals, I believe, have been refused.

3814. Do you know what the Ecclesiastical Commissioners have said to those who have applied for renewal?—No, I do not.

3815. Is it understood that the leaseholders may enfranchise the property if they choose it?—I apprehend that they would, in many cases, get an opportunity of enfranchising; it is not compulsory upon the Commissioners to enfranchise.

3816. What is the obstacle to the enfranchisement?—I do not know that there would be any obstacle to the enfranchisement if the Commissioners gave the parties an opportunity of enfranchising; if they did not give them an opportunity of enfranchising, it appears to me that they would be seriously affected. If the Commissioners do not renew, and do not enfranchise, the lessees will be injuriously affected in my opinion.

3817. Is it not understood that by the Act of Parliament the Commissioners have the power of enfranchising?—They have the power of enfranchising, and they have enfranchised, I know, extensively.

3818. With respect to the mode of enfranchising which the Ecclesiastical Commissioners have adopted, do you consider that it is just and fair to both parties?—The mode, I believe, which the Ecclesiastical Commissioners have adopted has been this, that they have treated the property as a fee at 30 years' purchase, and they have given the lessee the interest which he has had in his term, calculated upon the table of 3½ per cent., which would be equivalent to 30 years' purchase; that would be taking the calculation upon the dry term in the lease. As things have been, parties had by custom a right of renewal upon very easy terms; the terms in all cases of renewal by chapters were very easy,

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varying from $1\frac{1}{2}$ to $2\frac{1}{4}$; $2\frac{1}{2}$ years' purchase has been charged in a few instances. The Chapter of Gloucester have latterly charged $2\frac{1}{4}$ years' purchase for a lease of seven years.

3819. Do you consider that that custom enhanced the value of the leasehold property?—Undoubtedly, to the lessee.

3820. Was that proved by the sale of any leasehold property, or of the leases?—Leasehold property of that description always sold for something more than the dry value.

3821. Do you mean to say that the mode of enfranchisement adopted by the Commissioners takes no account of that custom of renewal?—It does not give the lessees anything for that custom of renewal; it deals with the property as a dry leasehold. An estate as a whole is worth more in the market than an estate divided into two interests; there is a dormant value where you get an estate divided into two interests; if you are selling the reversion or the leasehold interest, you do not get the proportionate amount in money you would if you were selling the fee. The lessee should have a proportion of the dormant value.

3822. When the enfranchisement is accomplished, the estate then becomes an estate in fee?—It does. I think that the arrangement as regards the division of the property is fair; the question is whether the lessees should not have something for their present beneficial interest, their accustomed right of renewal upon moderate terms.

3823. Do you consider that the proposals of Lord Harrowby's Commission gave that advantage?—Yes; Lord Harrowby's Commission did give that advantage; in dealing with a property, giving to the lessee a perpetual right of renewal in one half, and running out the lease in the other half, it gave a benefit to the lessee.

3824. Will you explain the difference between that mode and the present mode of acting, which is founded upon the Report of the Lord's Committee?—The effect of that mode would have been to have given the lessee about one-half the interest in the property; that is to say, supposing that every lessee had a 21 years' term, that would give him about one-half of the interest in the property, so that the recommendation of Lord Harrowby's Commission was equivalent to giving the lessee a moiety of the estate.

3825. Do you consider that that has been his interest in the estate; about one-half?—Yes.

3826. In what way do you state that the mode adopted, according to the views of the Lords' Committee, does not give the lessee one-half?—The Lords' Committee would give him only the dry interest which he would have in the lease; it does not give him the 21 years' term, only the interest he holds in the property.

3827. Supposing a person to have let his land for 21 years without any custom of renewal, are the terms upon which he would enfranchise that land, or sell it, the same as are now proposed by the Ecclesiastical Commission?—The same.

3828. Therefore you think there is no advantage whatever given on account of the customary renewal?—No advantage for the customary renewal; I think if every lessee had his estate fully stated, if he was allowed a renewal upon the expiration of the term, that is to say, if upon the next renewal the lessee had the power (as a preliminary step towards enfranchisement) of filling up his term to 21 years, without payment of any fine, he would then be in a position equivalent to the one given by Lord Harrowby's Commission, which would be giving him one-half the interest in the estate.

3829. Do not the Commissioners allow a certain term of renewal before the enfranchisement takes place?—I believe that they have in some instances allowed the parties to fill up their leases to 21 years; but I do not know exactly upon what terms. I do not think there are any defined terms. I am merely saying this, that supposing the Commissioners should refuse to renew, it becomes compulsory upon parties then to enfranchise, supposing that the estates are mortgaged or are in settlement, or they lose their interest in the property.

3830. Supposing the terms of enfranchisement to be fair terms, is not that an arrangement which would be advantageous to both parties?—Undoubtedly. I think if the lessee had some consideration given him for his accustomed right of renewal on easy terms, it would then be an arrangement perfectly fair to both parties.

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3831. And you do not consider, I suppose, that the system hitherto practised of renewal, although customary, yet giving no certainty, was a good system?—It was not a good system. There is no doubt that it is an advantage to the lessee to enfranchise his property.

3832. What do you think should be done in order to make the mode of enfranchisement fair and equal?—I think that the parties should have an opportunity of filling up their leases to 21 years upon the next renewal; without payment of any fine.

3833. And that then they should enfranchise upon the dry value?—Then, I think, their enfranchisement upon the dry value would be perfectly reasonable.

3834. Is not that what the Commissioners actually do?—I have not myself had much experience of the doings of the Commissioners.

3835. Have you heard complaints from lessees with regard to the terms of enfranchisement proposed by the Commissioners?—In the district which I have been speaking of there have been very few enfranchisements indeed.

3836. Are the lessees generally possessed of capital sufficient to enable them to pay the purchase-money of enfranchisement?—In some cases they are, and in many cases they are not. Speaking of the leaseholds belonging to the Chapter of Gloucester, there are a great many small estates generally held by farmers.

3837. They have been able hitherto to pay the fine?—They have been able to pay their fines. I think their properties were all fully stated at the time when the property was handed over to the Commissioners.

3838. Are you of opinion that the lessees should have the choice of the basis of compensation between the two bases mentioned in the Act of Parliament?—I think so.

3839. Have you any further explanation to give to corroborate your views?—Nothing more.

3840. Sir *J. Graham.*] Are you aware that the Commission is always ready either to sell or to purchase the leasehold—Yes; upon these terms.

3841. On which terms?—Upon the terms of giving the lessee his interest at 3½ per cent., and taking the property at 30 years' purchase.

3842. Do you think that an unfair condition?—I think that a perfectly fair condition.

3843. It being a fair condition, and such an alternative being invariably proposed to the leaseholders, wherein is the hardship?—The hardship does not arise there; it is in not giving the lessee anything for his accustomed right of renewal. I will take a case; supposing a lessee has a lease, of which six years have expired, he would have then only a 15 years' term. Now if he were compelled to enfranchise, dealing with the property as a 15 years' lease only, I think it would be a hardship, but if you would allow him, before enfranchising, to fill up his lease, and make it a 21 years' lease, I do not think there would be any hardship.

3844. You are not yourself conversant with the practice of the Commission with regard to filling up the term?—I am not.

3845. If the Commission gave always the full term of 21 years, you think there would be nothing on the part of the leaseholder which he could fairly ask?—I think that the full term would be equivalent to the perpetual renewal which was recommended by Lord Harrowby's Commission.

3846. And you, representing the leaseholders, think that if that concession is made, the leaseholder has nothing whatever to complain of?—I can scarcely consider myself as representing the leaseholder, but I think, giving my individual opinion, that it would be fair.

3847. The alternative, either to buy or to sell, coupled with the concession of the full term of 21 years, would exhaust the equity of the case, as representing the interest of the leaseholder, in your opinion?—It would, in my opinion.

3848. Mr. *Wilkinson.*] Have you considered what proportion of the sum should be made over to the sub-lessees in case of a sub-letting?—I have not.

Mr. *Charles Pidcock*, called in; and Examined.

Mr. *C. Pidcock.*

3849. Mr. *Mowbray.*] HAVE you carried on the practice of a solicitor at Worcester since 1833?—I have.

3850. Is there a protective association of the copyholders and leaseholders there, of which you have been solicitor since 1854?—There is.

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3851. Are you well acquainted with the manors of the Bishop, and of the Dean and Chapter of Worcester?—I am to a great extent.

3852. Can you mention the various manors of which the bishop is lord?—The bishop is lord of the manors of Alvechurch, Blockley, Claines, Grimley, Hallow, Hartlebury, Kempsey, Wichenford, Ripple, and Fladbury, in the county of Worcester, and Treddington and Witherington, in the county of Gloucester.

3853. What has been the practice with respect to granting leases of those manors?—I should say that the manors consist of two tenures which are totally distinct; the lords, as lords of the manors that I have enumerated, except Blockley, Ripple, and Fladbury, grant estates by copy of Court Roll for one life in possession and three lives in reversion, so that when a possession life dies the eldest reversion life is admitted in his place, and upon the beneficial owner paying a fine, another life is put in the reversion; that fine has been time out of mind three quarters of a year's improved rent.

3854. How long has this custom prevailed?—I have searched the rolls of several manors, and I find that from the time of Henry the Eighth it may be stated to have existed. Prior to that time I have caused searches to be made 200 years back, and I find that then sometimes the custom was to grant to a party "*naturaliter*" (which I presume is for his life) for the term of life only. In a great many other cases it was "*sibi et suis,*" to him and his heirs, which is generally technically termed a copyhold of inheritance.

3855. What happens if all the lives die?—The opinion which I have formed (and I believe it is correct) is, that if all the lives die the estate falls to the lord.

3856. Does the interest of the copyholder determine?—It does.

3857. How have these estates been transferred?—They are transferred by surrender and grant.

3858. As in the case of other copyholds?—Yes, similar to it.

3859. Has any heriot been paid?—On the death of the possession life a heriot becomes payable to the lord, and on alienation a heriot becomes payable to the lord, which is generally commuted by a money payment. Sometimes the heriot is expressed in kind, and sometimes, but very seldom, it is a money heriot, a trifling sum; but where they are heriots in kind it has been the invariable practice to compound by way of a certain sum of money.

3860. Have any of these estates been enfranchised under the Copyhold Enfranchisement Acts?—There have; there were estates enfranchised in Claines of some value. The way they calculated the sum to be paid to the lord in compensation of his manorial and seignorial rights, I believe was this: they took the average of the fines for the last 21 years, and fixed a rentcharge on that sum, adding, if I may so say, by way of bonus to the bishop, 10 per cent.

3861. What has been the general opinion in the county with respect to these copyholders, as to any right of renewal which they possessed?—The invariable opinion and practice, so far as it has come to my knowledge, has been, that the copyholder has a right of renewal. I should qualify that thus far, that in case all the reversion lives die, the bishop then claims to put in reversion lives in trust for any party that he likes.

3862. So that in the case of the bishop putting in reversion lives for nominees of his own, the interest passes away from the copyholder?—Exactly; he takes it as it were from the copyholder upon the death of the possession life.

3863. Have these estates been the subject of settlement and mortgage and bequest?—They have; and estates now are frequently the subject of mortgage and settlement and devise upon trust for the copyholder's family.

3864. Has the right of renewal been called in question lately?—It has.

3865. How recently?—I believe it was first called in question by the late Mr. Helm, the bishop's steward, who had been steward for a very short time, and, in fact, who was steward at the time the enfranchisements in Claines were effected.

3866. *Chairman.*] He was steward of the Bishop of Worcester?—Yes. The gentleman is dead now.

3867. Mr. *Mowbray.*] How long ago was that?—So far as my memory will serve me, I should say about six or seven years ago.

3868. Has that had any effect on the value of these properties in the market?—It has depreciated them in value; in fact it has caused a panic, I may say, amongst copyholders and amongst mortgagees. I can mention a case under my own knowledge. I have a client who has a copyhold estate of some value, and the

the mortgagee also is a client of mine; she is a lady, and in consequence of the right of renewal having been called in question it has made her very uneasy, and she has talked about calling in her money, simply on that ground.

3869. Since the passing of the Enfranchisement Acts of the 14th and 15th Victoria and the 17th and 18th Victoria, have you had any dealings with the Church Estates Commissioners?—I have. I should say that Mr. Workman, who will give evidence to-day, has had a correspondence with them; perhaps you will allow me to leave that for him; he will produce the correspondence.

3870. Mr. *Walpole.*] Who is Mr. Workman?—He is chairman of the association.

3871. Mr. *Mowbray.*] Has any distinction been drawn by the Church Estates Commissioners, in your dealing with them, between these copyholders for lives, holding under the tenure which you have described, and ordinary lessees?—No; they will enfranchise the copyholds, but will only treat them as pure leaseholds; in fact, denying the right of renewal; but I have understood that they have allowed a per-centage, whether in consequence of what they call a right of renewal or not I do not know, but in consequence of some equitable interest, I would say, which they fancy the copyholder has.

3872. Has that per-centage varied?—I understand that formerly it was 18 per cent.; but since Mr. Yool's Tables have come out, which are more in favour of the lessee and the copyholder, I understand that that allowance is reduced to nine per cent.

3873. Then they give you an advantage of 9 per. cent. over the ordinary lessee?—Exactly; that is mere hearsay evidence; it has not come to my knowledge further than having heard it from parties.

3874. Sir *J. Graham.*] You are not sure that it is the case?—No; I believe it is, but I would not speak of it as a fact.

3875. Mr. *Mowbray.*] Have cases been laid before counsel as to the rights of these copyholders?—Yes; before Sir Fitzroy Kelly, and Mr. William Hayes, the conveyancing barrister. Those cases were prepared by myself, and I may say with great care. I consulted the stewards. I made the searches which I have before mentioned, and in fact I got everything for and against the copyholder that I possibly could, which I thought was founded in truth.

3876. Speaking generally, what is the opinion which you have received from those counsel?—Sir Fitzroy Kelly and Mr. Hayes were both of opinion, that in consequence of the custom having been time out of mind to renew on the dropping of a life or lives, and in consequence of the fines being certain, or relatively certain, (in this case relatively, being three quarters of a year's rent,) copyholds of this tenure were of right renewable.

3877. Lord *R. Cecil.*] Why do your clients not go to law?—I think there are several reasons; one is that people are not very fond of law, and another reason I will give, namely, that where you have a large body to deal with, what is everybody's business is no one's business.

3878. What remedy do you expect from this Committee?—I should like for them to define, if it can possibly be effected, whether the copyholder has a right of renewal or not. I should say that in the Copyhold Act of 1852 there in a proviso in which it says, that the Copyhold Acts shall not affect copyholds for lives or years where there is not a right of renewal. Then in consequence of that, the Church Estates Commissioners say, that the copyholders for lives whom I have been before describing, have not a right of renewal, and therefore they are excluded from the benefit of the Copyhold Act.

3879. Mr. *Mowbray.*] Have you here the case laid before Sir Fitzroy Kelly, and his opinion thereon?—I have.

3880. Will you put them in?—(*The Witness delivered in the same*).

3881. Mr. *Walpole.*] Did I rightly understand you to say that you wished this Committee to determine a judicial question?—If they saw fit to do so.

3882. Have we the means of doing that?—It can only be done by the Legislature, of course.

3883. If it is a legal question which has not been decided by the courts of law, the Legislature in deciding that question would, in point of fact, be acting as judges, and they might be taking away one person's property and giving it to another, contrary to what the law is, might they not?—Undoubtedly the Legislature can do what they please.

3884. Then what you in effect ask us to do is to decide that the right is one way,

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way, and by Act of Parliament to declare that the right is so?—I wish the Committee to declare that the copyholder has the right.

3885. Sir *J. Graham.*] If this Committee were to report against the right of the copyholder to renew, do you think we should not on imperfect knowledge greatly damnify the case of the copyholder?—No doubt, and I have no doubt the copyholders would feel it very hard.

3886. If, on the other hand, we were to report in the other sense in favour of the copyholder on imperfect evidence, we might damnify the interest of the Church?—If the copyholder has not the right of renewal.

3887. So that in either case it is probable that we should commit injustice to one or other of the two parties?—That might arise, of course; if we had not a right of renewal it would arise.

3888. Mr. *Mowbray.*] Have you any suggestions to offer as to what you think may be advisable terms on behalf of the copyholders?—I would suggest that the clause in the Copyhold Act, excluding the copyholds where the right of renewal is not admitted, should be taken out of the Act of Parliament; it was not in the original Acts of the 4th and 5th of Victoria, and the 6th and 7th of Victoria; the 6th and 7th of Victoria says, that it shall apply even where the copyholder has a right or has not a right of renewal.

3889. Mr. *Walpole.*] But, if I recollect rightly, the statute which you have last referred to is a voluntary Act, and the other is a compulsory Act, is it not?—Exactly so; the 6th and 7th of Victoria is voluntary.

3890. Mr. *Mowbray.*] In addition to these copyhold estates, are there large estates belonging to the bishop and the dean and chapter, which are leased out for lives?—If you will permit me, I should say that the bishop has large estates which are not of copyhold tenure, but of leasehold tenure, which are let out for three lives.

3891. What has been the practice with respect to renewal?—Till lately it has been the invariable practice to renew upon the dropping of a life or lives, upon payment of fines.

3892. *Chairman.*] To put in another life?—Exactly.

3893. Mr. *Mowbray.*] What has been considered to be the extent of the lessee's interest?—The lessee's interest in leaseholds for lives has always been considered rather more than what the tables would show, because till lately the lessees have always been considered not to have a legal right of renewal, but a customary or equitable right of renewal.

3894. Beyond what the tables would show was the naked value of the lessee's term?—Yes.

3895. Have these leaseholds been the subject of mortgage and settlement?—They have.

3896. What has been the practice lately with respect to the renewal of these leaseholds on the bishop's estates?—I believe the Ecclesiastical Commissioners have now the management of the Bishop of Worcester's estates, and they have refused to renew.

3897. *Chairman.*] Do you know that the Commissioners have now the management of those estates?—I do.

3898. Mr. *Mowbray.*] What is the position of the lessee if the Commissioners refuse to renew?—The lessee is in this position: he must either enfranchise, if they will permit him so to do, or else gradually he must lose his estate.

3899. Do you know of your own knowledge any instances of this refusal to renew?—I do; I believe it is an admitted fact.

3900. Lord *R. Cecil.*] Do they invariably refuse to renew?—Yes.

3901. And is there an unwillingness on the part of the lessees to enfranchise?—Some are anxious to enfranchise, others from different causes, perhaps from not having money at command, would rather that the old system continued.

3902. Is it not the case that there have been a very large number of enfranchisements?—There have been.

3903. Up to the number of 300?—I cannot give the number, but I know that there have been a very large number.

3904. Then it is presumable that the terms of enfranchisement offered are not displeasing to the lessees?—I doubt that very much. I do not think the lessees are so very well pleased in all cases. To my certain knowledge, I have had many clients who have been very much dissatisfied with the terms, but I have acted upon this principle. I say, "Now, you must either enfranchise, or you must

must sell your property, or you will lose it in the end." But I do not think it follows at all, because a lessee enfranchises a property that he is satisfied with the terms.

3905. Mr. *Walpole.*] But if a great many persons, to the amount of nearly 300, enfranchise their property, surely that is rather a presumption that they do not think that there is the right of renewal which the others may wish to establish?—The lessees do not hold that they have a right of renewal, but I do not think that in all cases they are satisfied with the terms of enfranchisement. I will give you a case. There is Lord Beauchamp, a nobleman of wealth in the county of Worcester; he had a leasehold, held for three lives, under the Bishop of Worcester, called Hallow Park, a very beautiful estate of between 200 and 300 acres. I understand that the sum at which the surveyor of the See of Worcester valued that (I have the figures in my pocket, and will refer to them) was 6,651 *l.* I understand that the See of Worcester were desirous of retaining that estate, and the sum they asked beyond the valuation of their own surveyor was about 1,200 *l.*; it was raised to 7,800 *l.* Of course I do not know his Lordship's secrets, and I cannot say that he was very willing to pay that extra sum. I can, however, understand his feeling on it; the property had been in his family for centuries, and he did not like to part with it, and therefore he said, "I will give the extra sum." I have no doubt that was his argument.

3906. Were you his solicitor in that transaction?—I was not.

3907. Do you know then what were the reasons which influenced his Lordship in reference to that transaction?—I have had conversation with his agents, and I believe that that was the case.

3908. Mr. *Mowbray.*] Do you know whether that is the feeling of the leaseholders generally, founded on similar grounds?—I do not mean to say that it has been so in all cases; I have met with very fair terms in several enfranchisements; I do not mean to say that the price paid for all is too much; I should be very sorry for that impression to be produced.

3909. Sir *J. Graham.*] Are the terms variable terms?—They do vary.

3910. Are you sure of that fact?—Yes. There are reasons why they may vary, and fairly vary. For instance, suppose land is for building purposes, of course the bishop is entitled to more than on the mere rental of his property.

3911. I am speaking of land; are the terms variable on which enfranchisement is offered by the Ecclesiastical Commissioners with respect to land?—I have known several cases in which a sum has been added to the valuation of the surveyor of the Bishop of Worcester; therefore I presume that he goes upon a principle, and that there is a variation in that principle.

3912. Might it not be that it was in conformity with the fixed principle of the Commission as applied to the opinion of the local surveyor, and might it not show that the principle of the Commission was fixed, whereas the valuation of the local surveyor was variable?—It is impossible for me to tell the principle upon which the Church Estates Commissioners go, because I am not in their confidence. I can only judge from the effect of the different enfranchisements; they vary; sometimes more is put on, sometimes not.

3913. Lord *R. Cecil.*] With respect to those cases in which the lessees have been dissatisfied, do you know of them yourself as agent for the parties, or from conversation with the agents for the parties?—I have had cases within my own knowledge in which I have acted as the solicitor.

3914. Mr. *Mowbray.*] Have you acted for some years past as the solicitor of the Protective Association?—Only for two years. It is not within my knowledge as the solicitor of the association, but it is as a general practitioner.

3915. Marquis of *Blandford.*] Are not all these cases open to arbitration?—have not known a case of arbitration.

3916. Is not there a clause in the Act of Parliament which enables arbitration to be resorted to?—There is a clause empowering the Church Estates Commissioners to refer to arbitration if they think fit, but not otherwise; it is with respect to the finding of the annual value.

3917. Sir *J. Graham.*] Do you know a case of refusal on the part of the Commissioners in which application has been made for arbitration?—I do not.

3918. *Chairman.*] Do you suppose that the bishop in the cases you have mentioned has acted after consulting the Ecclesiastical Commissioners; do you know whether that was so or not?—If I may so say without meaning any disrespect, I look upon the bishop in all these enfranchisements as a mere cipher. I do not think he is ever consulted on one; but that is a mere matter of opinion.

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The way of enfranchisement is this. The lessee sends in a request to the bishop's steward, or to the bishop's surveyor, stating that he wishes to enfranchise his property; the surveyor then goes over it, and he reports either to the bishop's steward or to the lessee, that he considers such and such terms fair and reasonable. Then if the lessee consents to those terms, I believe they are submitted to the Church Estates Commissioners; then if they sanction those terms, an agreement is entered into between the lessee on the one part and his Lordship on the other part.

3919. Marquis of *Blandford.*] Do you think it is objectionable in the present system that the fact of the matter in dispute being referred to arbitration is left optional with the Commissioners?—I think that that clause ought to be compulsory instead of being permissive.

3920. Look at the 9th section of the same Act. The 9th section of that Act refers to lands vested in the Commissioners, and to the mode by which they are to conduct the enfranchisement of lands vested in them. Upon reading that clause, do you consider that it makes it compulsory upon the Commissioners to adopt arbitration?—Certainly not; I do not think the intention (if I may so say) of the Legislature was that it should be compulsory, but only permissive.

3921. Lord *R. Cecil.*] Am I to understand your evidence to be, that out of a great number of cases of enfranchisement recently effected, you do not know of one single case in which arbitration has been called for by the lessee and refused by the Commissioners?—I do not; but still this clause is not compulsory; it does not compel the Church Estates Commissioners to adopt an arbitration, and this clause only relates to the finding of the annual value. Now I humbly submit that it should not only go to the finding of the annual value, but that there should be a clause as to the number of years' purchase.

3922. Sir *J. Graham.*] You have not known an arbitration refused; have you heard of an arbitration being refused?—I have not.

3923. Mr. *Mowbray.*] You have spoken about the estates of the bishop; what is the case with respect to the holdings under the dean and chapter; are some of those for lives as well as leaseholds?—The dean and chapter have also very extensive estates. If it seems fit to the Committee, I will just read the names of most of the manors.

3924. Sir *J. Graham.*] They are very extensive?—They are.

3925. Mr. *Walpole.*] You wish upon that matter, I suppose, to submit to the Committee that which you have submitted to the Committee with respect to the bishops' estates?—Exactly.

3926. Then I think your evidence all turns upon that?—There is a distinction.

3927. Mr. *Mowbray.*] There is a distinction between copyholds for lives held under the bishop and those held under the dean and chapter?—There is.

3928. Will you describe it?—The copyholds held under the dean and chapter for lives are for two lives in possession and two lives in reversion; the fines are upon the dropping of a life a half-year's improved value of the property. I may say that I have searched the Rolls, similar to the case of the bishop, and I find that renewals have taken place from time out of mind. In the bishop's copyholds I said that there was an open reversion which the bishop claimed to fill up. In the manors of the dean and chapter I cannot find one case in which the dean and chapter have ever filled up an open reversion, that is, when the two reversion lives have been dead, but I have found numerous cases where the copyholder has filled up open reversions.

3929. Have the dean and chapter much house property?—They have in the city of Worcester.

3930. How is it held?—The dean and chapter's house property is held for a term of 40 years, usually renewable every 14 years upon payment of a year and three-quarters' rent, after allowing for repairs. The dean and chapter, I should say, also have extensive estates in land. Those leases are, I believe I may say invariably, for 21 years, usually renewable every seven years, upon payment of a fine of a year and three-quarters' improved rent.

3931. Is much of the property in and about Worcester held by various corporations?—There is a great deal of property in and about Worcester held by several corporations. First, there is the bishop; he holds large estates. Secondly, the Dean and Chapter of Worcester; they hold a large property in and near Worcester. Then there is Christchurch, Oxford; they hold a large property in and near Worcester. Then there are other charities. There is likewise the Corporation of Worcester, who hold a large property in and near Worcester; that is chiefly

chiefly house property. Then there is another charity called St. Oswald's Hospital; they hold a large house property. There is another charity termed the Six Masters, and they hold a large property. I enumerate those to show how the citizens of Worcester are hemmed in by different corporations, which is a great drawback to improvement.

3932. Lord *R. Cecil.*] What legislative remedy do you seek from this Committee for such a state of things?—As regards Church property, I would humbly submit that that should be enfranchised, and that the Church, except for special purposes, should not be allowed to purchase either from their lessees or from their copyholders or other parties any property within the Parliamentary boundaries of any city or town.

3933. *Chairman.*] With what view do you propose that last restriction?—I think that my objection is not so much (further than what I stated before) for the benefit of the lessee, as it is on public grounds. It is a great bar to improvement, and, I may say, to sanitary improvement, to have so many tenures, because people will not lay out their money on property which is of leasehold tenure so freely as they would if it were of freehold tenure.

3934. Sir *J. Graham.*] Why should you not compel the Corporation of Worcester to enfranchise, just as you seek to compel the Church?—I would. I would compel, as far as I possibly could, all corporations to enfranchise within the Parliamentary districts.

3935. By compulsory enactment you would put an end to leasehold and convert it into freehold generally under corporations?—Yes, within the limits of towns and cities; I would sweep away all tenures, and have one common freehold tenure.

3936. By legal compulsion?—Yes.

3937. Lord *R. Cecil.*] Why is leasehold property held under the Church more objectionable, in a sanitary point of view, than leasehold property held under Lord Westminster here in London?—There is a great difference. I am not aware of Lord Westminster's leases, but I should fancy that they are leases for 99 years; therefore no fine of renewal is paid; the lessees do not pay upon the improvements which they have made; they have a term for 99 years certain, and therefore we know that the reversionary interest in a lease for 99 years is not more than about one year's purchase, and parties will naturally lay out money on building leases where they have a 99 years' lease. But all corporations have renewals at certain fixed periods, and parties will not lay out their money so freely. I do not mean but that they do it; they do it to a great extent, but they are charged on their improvements.

3938. Sir *J. Graham.*] Then your view would be to convert leaseholders generally into freeholders upon easy terms on account of the present usage of renewal?—On fair terms.

3939. But those being easy terms on account of the past and present usage of renewal?—Yes; I think an allowance should be made.

3940. And you would make it compulsory upon the owner of the property so to convert it?—Yes.

3941. Whether lay or clerical?—Yes.

3942. *Chairman.*] Supposing the lessee not to have capital at his command, or the means of paying for the enfranchisement, would not it be a hardship upon him that there should be a compulsory power?—It would to a certain extent, but there would be the means of raising that money either by mortgage, or if he could not do that, by sale of the property. My remarks latterly are confined to cities and towns.

3943. Sir *J. Graham.*] Why do you so confine them?—For the reason I have already given, that all these tenures are a great bar to improvement.

3944. The principle applies to land just as well?—It does to a certain extent, but not to so great an extent.

3945. Mr. *Mowbray.*] Have you any other suggestions to offer as to the details of enfranchisement?—I have, with the permission of the Committee, if I am not taking up too much of their time. I trust to live to see the day when all Church property will be enfranchised, because I think is is for the benefit both of the Church and of the lessee that the present tenure should be done away with. I think it would improve very much the income of the Church by enfranchising their property, and I think that it would improve the position of the

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lessee eventually, if he did enfranchise the property, because he would improve it more than he does now.

3946. Sir *J. Graham.*] Has not a great advance been made in that direction under the Ecclesiastical Commission?—They have enfranchised property, I may say, in and around Worcester, but on the other hand, they have purchased a lessee's interest in property in the district. I believe they did it from a very good intention; their motive was good, because I understand it was to prevent buildings; some portion of the property was low, and they did it to prevent buildings being put on it.

3947. Still, what you think salutary, namely, the conversion of leasehold into freehold, is in progress of execution by the Ecclesiastical Commission?—Yes.

3948. *Chairman.*] What would you advise the Commissioners to do with money derived from enfranchisement; would you not have them purchase freehold estates?—Undoubtedly. I think they should do that to provide a fund to pay the bishop his stipend of 5,000 *l.*, or whatever the amount may be. I think they should lay out the money to produce the bishop a sufficient income. Then, under the Act of Parliament they can only let those estates so purchased for 14 years at the best improved rent. Now there is no objection to that, because the Church would do the same in letting their estates as any nobleman or gentleman in the country.

3949. Mr. *Walpole.*] When the leaseholder is unwilling to enfranchise, do you object to the Ecclesiastical Commissioners purchasing his interest and holding his interest in fee?—In towns I do.

3950. Why?—Because I think it prevents improvement.

3951. Would they not let out the property on improving leases as well as any other proprietor of land?—I believe there is an Act of Parliament authorising ecclesiastical corporations to let property on building leases.

3952. With the consent of the Commissioners?—Yes.

3953. Does your objection apply?—It does, for this reason, practically I greatly prefer a freehold to a lease for 99 years.

3954. Mr. *Wilkinson.*] You would recommend the Church to buy these freehold properties, and when they have bought them they must let them?—Exactly.

3955. Then comes the evil of which you are speaking?—They are not empowered to grant a lease above 14 years; I speak of a farm.

3956. That was your objection; I understood you to say that the property of the Church was very much worse than that of the Marquis of Westminster?—Yes.

3957. For the very reason that the Marquis of Westminster was in the habit of leasing his property for 99 years, whereas the Church could only grant leases for short periods. Now you are recommending, as it appears to me, the very thing which you objected to?—No; excuse me; there is no objection to the Church having property at a distance from a town, and letting it out for 14 years upon the best improved rent; I am sure that if I were in that position I should be very glad to be a tenant of the Church, because if I conducted myself well I should never be removed.

3958. Mr. *Walpole.*] If these leaseholders' properties or copyholders' properties were purchased by individuals and not by the Church, they would probably, if agricultural land, be let out on 14 years or 21 years' leases, and they would probably, if land for building, be let upon building leases for 60 or 70 or 99 years, would they not?—I can only speak now as to locality. I do not think that at Worcester they would let it out upon building leases for 60 years, because we have not been accustomed to it

3959. Is not that the custom throughout the country?—In different towns, but not in Worcester.

3960. Where is the objection to the Church or to the Corporation of Worcester holding property in fee, and dealing with that property as any other proprietor would do, to the best advantage for themselves, letting it out either upon agricultural or upon building leases, as the circumstances required?—As regards agricultural leases, there is no possible objection, as I have stated before; as regards building leases, I think the principle is wrong.

3961. That applies to the whole kingdom?—It would do so. Of course the Marquis of Westminster and the great families say, We will only grant leases for such and such a term.

3962. Your observation amounts to this, that the Marquis of Westminster or the Duke of Bedford, in London, had better never let out any property upon 99 years' leases, and indeed, according to your theory, you would compel him to sell his leasehold property out and out?—I cannot compel him, neither can the Legislature compel him.

3963. I understood you to say, that where the property was in towns you would compulsorily require an enfranchisement?—I was speaking of corporations and charities, not of private individuals.

3964. *Chairman.*] With respect to the Corporation of Worcester, have they house property?—They have a large house property.

3965. What is the tenure of the leases?—Forty years, renewable every 14 years, upon payment of one year's improved rent.

3966. Do you consider that tenure injurious?—It is not so injurious, if I may so say, as under the Church, for this reason: the Act of Parliament which was passed, the Municipal Act, rather sanctions the granting, by corporations, of leases for 40 years, and therefore it would be a question whether they would not be obliged to renew; but in Worcester, I believe, the corporation have now applied to the Privy Council for permission to enfranchise all their property, and then lend it to the town for the purposes of sanitary improvement.

3967. You would wish all the Church property to be enfranchised, and the Ecclesiastical Commissioners and the different ecclesiastical corporations to hold land?—Exactly; not what would be technically termed building land; in fact, I do not see that it would be any advantage to them.

3968. Mr. *Walpole.*] Would you prohibit them from doing that?—I would.

3969. Absolutely?—Yes.

3970. *Chairman.*] Supposing a town to extend, so that that which had been used for agricultural purposes became valuable as building land, would you oblige them to part with that property, and not to let it upon building leases?—They could not do it without an Act of Parliament, I presume. If you will allow me, I will make one or two more suggestions. I would humbly submit, that in case a dean and chapter, or in fact any ecclesiastical body, should refuse to renew, they should be bound to enfranchise. I would also further submit that the arbitration clauses in the Act which has been referred to, as to the finding of the annual value, should be made compulsory in case of disagreement, and also, that there should be a clause in the Act of Parliament, leaving to arbitration the number of years' purchase to be paid for that property.

3971. Have you any further suggestions to offer?—As regards the Dean and Chapter of Oxford's property, your Lordship may remember that that is excluded from the Enfranchisement Act, I believe upon the ground that the trusts for which they hold that property are partly for Church and partly for secular purposes. Now I would humbly submit to the Committee, if they thought right, that they should report that it would be advisable that an Act should be passed, authorising the Dean and Chapter of Christchurch, Oxford, to enfranchise their property; they have a large property near Worcester, and some of that property is most admirably situated for buildings.

3972. Mr. *Walpole.*] You say "authorise" there, not "compel"?—They cannot do it at present.

3973. You suggest that by the Act of Parliament they should be "authorised"?—Yes.

3974. In all your other suggestions you said "required;" do you draw a distinction?—I draw a distinction, for this reason; they have not been authorised yet, and I think it is better not to proceed to the extremity, if I may so say, at first.

3975. That would be the first step?—Yes.

3976. Ultimately, then, you would require them?—If they would not do it.

3977. Lord *R. Cecil.*] If you think such an enactment beneficial with respect to Christchurch, do not you think that, on general principles, it would be desirable to extend it to all colleges?—No doubt.

3978. The objection to holding land on the fine system is as great with respect to colleges as it is with respect to the Church?—Yes. I speak of Christchurch, Oxford, not as personally interested, but as an inhabitant of Worcester I am interested in doing away with that tenure; that is my only object.

3979. *Chairman.*] You would, at all events, do away with the exception in the Act?—I would.

3980. Mr. *Mowbray.*] I do not understand that any of this Christchurch property

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property is held on copyhold tenure?—Yes, they have copyhold estates; but I know very little about them. Their estates are granted on lease (I am speaking now of near Worcester) for 21 years, usually renewable every seven years.

3981. How are they granted; on fine or on the best improved rent?—On the best improved rent. I think it is one and three quarters' or two years' rent; I am not sure which.

3982. Lord *R. Cecil.*] Have the Dean and Chapter of Christchurch ever run out any of their leases?—I cannot say that any case has come to my knowledge, but I believe they have; I am not certain of that fact. There is a case to which I wish to call the attention of the Committee, which bears very severely on small lessees. It is not for me to say whether the rule is good or not, but the Church Estates Commissioners, in every case where the enfranchisement money is under 100 *l.*, cause the lessee to pay the bishop's steward's expenses. Now that operates very hardly upon the lessees, because, generally speaking, they are men of small means, and a pound or so is of very great consequence to them; but I believe the Church Estates Commissioners have gone upon this principle, that if they do not do so, it is hardly worth their while to enfranchise. Still I am sure the Committee will see that it is very hard for the lessees; they are a set of men that can ill afford it. I am sure, if it is represented to the Commissioners, they will make some alteration.

3983. What are the expenses?—I have known 6 *l.* or 8 *l.* charged.

3984. In what form do they occur?—The bishop's steward makes out a bill for perusing the deed on behalf of his Lordship, and the usual attendances of enfranchisement.

3985. Mr. *Mowbray.*] Then there are the expenses of the Commissioners' agents besides?—The lessee pays also the surveyor's charges.

3986. Lord *R. Cecil.*] Is it the fact that the expenses of the steward are not for actual work done, but a mere prescriptive payment?—They are for work done, not a prescriptive payment.

3987. Mr. *Mowbray.*] So that a lessee enfranchising has three charges?—Yes; those of his own attorney, the bishop's attorney, and the bishop's surveyor. If the enfranchisement money exceeds 100 *l.* he has only his own attorney's costs to pay.

3988. Is anything paid for the sanction of the Commissioners; are there no expenses connected with the Commissioners?—Not that I am aware of.

3989. Marquis of *Blandford.*] Is not the amount of the costs deducted from the purchase money?—No, I believe not, because it would be as broad as it was long if it was so.

3990. Mr. *E. Denison.*] If certain expenses have been incurred and the sanction of the Commissioners is required to the transaction, is that sanction afforded without any expense being incurred?—None is paid by the lessee.

3991. Who pays it?—I presume the Church Estates Commissioners, out of the funds which they have in hand, pay their own officers.

3992. Marquis of *Blandford.*] Does an individual purchasing from the Estates Commissioners incur a greater expense than an individual would incur who was purchasing for another individual?—Yes, if the amount is under 100 *l.*; and I wish to call the attention of the Committee particularly to that point, because it bears hardly upon a set of individuals who can very badly afford it.

3993. Mr. *Mowbray.*] You said that the payment in some cases to the bishop's steward was as much as 6 *l.* or 8 *l.*?—I think so.

3994. Do you know at all what has been the per centage of the costs in these small purchases by lessees where the three descriptions of costs have been included?—The lessee has to pay his own solicitor. I should say that the Church Estates Commissioners require to know that the lives upon which the property is held are insurable lives, therefore the lessee is obliged to pay a medical man to examine each of the lives; that is an expense; that is three guineas; so that the costs in these small enfranchisements become very heavy indeed.

3995. Can you mention in any instance within your own knowledge what the costs have run up to?—I should say that the costs of an enfranchisement of 50 *l.* might perhaps be as much as 24 *l.*

3996. Lord *R. Cecil.*] Is that an extreme case or an average?—I should say an average; the Church Estates Commissioners act upon this principle; if the lives have been examined by a medical man they say, "We do not want to go through the process again;" therefore so far they are very kind; it is an advantage;

tage; the lessee has not to pay for the examination of those lives again; but if they have not gone through the process of examination the lessee, if his enfranchisement money is only 30 *l.*, has to get medical certificates of all the lives being good

3997. Has not that same process to be gone through whenever a lease is renewed; have not the lives to be medically examined?—No, I never knew a case of it.

3998. What are the expenses of renewal?—I think they are eight guineas.

3999. Mr. *Mowbray.*] In all cases?—I believe they are.

4000. Lord *R. Cecil.*] However small the amount may be?—Yes; I think so.

4001. Mr. *Mowbray.*] I presume the expenses of renewal are a regular fixed sum?—The expenses of a renewal are a fixed sum, but not the expenses of an enfranchisement.

4002. What are they then?—The expenses of enfranchisement depend upon the steward as to what the charges are; they might be more or they might be less.

4003. Marquis of *Blandford.*] Can you state any extreme case which you have known in the renewal of leases?—Not in leases, but in enfranchisements I can. I have had a few cases through my hands. I think the average has been from 6 *l.* to 8 *l.* for the bishop's steward's charges.

4004. Lord *R. Cecil.*] You have stated the average costs of an enfranchisement of 50 *l.* as 24 *l.*?—I should say, that where we had to pay the cost of examining the lives, the lessee's solicitor's charges, the surveyor's charges, and the bishop's steward's charges, they would amount in round numbers to 24 *l.*

4005. Are the lessee's own solicitor's charges included in the 8 *l.* for the renewal?—They very seldom employ a solicitor in renewals. I do not suppose that on the Bishop of Worcester's, or the dean and chapter's estates, they go to their solicitor once in fifty times in renewals.

4006. Marquis of *Blandford.*] Do you not think the Estates Commissioners, acting as a public body, are justified in requiring the lives to be examined into?—I do not mean to say they are not. I do not complain of that.

4007. Do you conceive that these charges are charges which could be dispensed with?—I think the Church Estates Commissioners themselves ought to pay those charges out of the funds in hand.

4008. Lord *R. Cecil.*] Would any private proprietor do it?—Undoubtedly, because it is the rule of vendor and purchaser. If I purchase an estate from you, you pay your own solicitor, and I pay my own solicitor, but here the party has to pay his own solicitor and the bishop's steward, who may be termed his solicitor; therefore it is travelling out of the ordinary practice.

4009. Marquis of *Blandford.*] If the bishop had nothing to do with it, if it was merely one transaction between the Commissioners and the lessee, the charge for the bishop's steward would not be brought into existence?—The Commissioners might say, "Now that you do not pay the bishop's expenses, you must pay ours." They have a solicitor, I believe, who peruses all the deeds on their behalf.

4010. Is not the fee paid to the bishop's steward a fee peculiar to his office?—No.

4011. What capacity does he act in?—He peruses the deed on behalf of his Lordship.

4012. Then, if there was no deed to be perused on the part of his Lordship, if only the Commissioners were acting with the lessee, that would not be a charge to be incurred?—No.

4013. Mr. *E. Denison.*] But would not something of the same nature have to be incurred on the part of the Commissioners?—Yes; they now have their solicitor to peruse the deeds, I understand.

4014. Marquis of *Blandford.*] At present, besides the charge for the bishop's steward, there is a charge for the Commissioners' agents as well?—I presume so; I do not know that of my own knowledge.

4015. Then, if there was no such transaction between the lessee and the bishop, the charge attending upon the bishop's steward would be obviated?—Yes, of course, if there was only one set of solicitors.

4016. Mr. *E. Denison.*] You answered a question which I put to you just now, that there was not any expense when the Commissioners had to sanction a transaction?—I misunderstood you; I meant to say that the lessee does not pay any of the Church Estates Commissioners' charges.

4017. There are certain expenses which arise in a transaction between a lessee and the bishop. Supposing the bishop himself was out of the way, and the Church

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Estates Commissioners represented the bishop, those expenses would then have to be incurred by the Church Estates Commissioners which are now incurred by the bishop, would they not?—No doubt.

4018. Marquis of *Blandford.*] Supposing that under the present system the bishop's agent there is to be paid and the consent of the Commissioners to be obtained, does not the consent of the Commissioners involve a legal charge?—I presume so; I do not know it; in the natural course of practice it would be so.

4019. Then if there was only one transaction between the lessee and the Commissioners, that legal charge would cover all the part which the Commissioners took in the matter?—Exactly; the bishop's steward would not peruse the deeds, undoubtedly.

Mr. *Henry Workman*, called in; and Examined.

Mr. *H. Workman.*

4020. *Chairman.*] HAVE you much knowledge of the transactions which have taken place between the Ecclesiastical Commissioners and the leaseholders of the Church?—Not much. My evidence will be confined, with your Lordship's permission, to the difference between the tenure of leasehold and the tenure of copyhold property, and my dealings and transactions or knowledge, with regard to the renewal of copyholds as to certain manors, and as to the tenants' right of renewal. I may mention that I have not put my statement into the hands of any Member of the Committee, and probably your Lordship will allow me to go quietly on with my evidence. First of all with regard to dealings; I was in practice as an attorney.

4021. In what situation have you been which has induced you to turn your attention to this subject?—I was in practice as an attorney with my brother at Evesham for a period of upwards of 24 years; ours was an extensive practice, principally in conveyancing. In the neighbourhood of Evesham there are many copyholds for lives, principally under the Dean and Chapter of Worcester. The manors I allude to, of which the dean and chapter are lords, are Sedgeberrow, Cleeve Prior, Cropthorne, and Harvington, in the county of Worcester, in each of which manors I and my brother had many clients, owners of copyhold property. I believe in each of those manors there are leaseholds as well as copyholds belonging to the Dean and Chapter of Worcester. The leaseholds, I think, in all those manors are let by lease under seal for 21 years, renewable every seven years; the fine for the renewal has been a year and three-quarters' rent; I am speaking of the leases; I would say that the lords of those manors have their annual courts, at which all business connected with the copyholds is generally transacted; for instance, lives are put in; I have never heard of an instance during the whole of my practice of any refusal being made by the Dean and Chapter of Worcester as to the renewals of copyholds or leaseholds. The copyholds under those four manors have been for a long period of years the subject of settlements, wills, and mortgages, of which the lords in many cases had notice upon their rolls. I allude to this, because I have only one object in view; I wish that to be distinctly understood; I am very little interested in Church property; my only object is to have justice done to the Church and justice to the copyholders and the leaseholders. I have carefully read the reports hitherto printed as to the Church property.

4022. What reports do you allude to?—The Lords' Report and the Report of the Episcopal Commissioners. In those reports I do not find any allusion to copyhold tenure. Therefore in confirmation of what I have just stated with regard to my own feelings upon the matter, I will, with your Lordship's permission, state at first, that previously to the Act of the 1st of Elizabeth, c. 19 (I am now speaking as to all the property of the Church which was not held under copy of Court Roll), I find it laid down in Watson's Law of the Church that bishops and deans and chapters had full power to dispose of all Church property either in fee, for life, or for years. With regard to the bishops, the conveyances from the bishops required confirmation, but not as to the deans and chapters. The first Act which I find relating to Church property is that of the 1st of Elizabeth, c. 19. I wish to explain to the Committee why there is such a great distinction between the leaseholds and the copyholds.

4023. Sir *J. Graham.*] And you trace it from the reign of Elizabeth downwards?—I trace the leasehold property from that period, but I trace the copyhold tenure to the year 1100, previously to either of the Acts of Parliament.

4024. *Chairman.*]

4024. *Chairman.*] What is the point with regard to copyhold upon which you wish particularly to lay stress?—All bishops' and deans and chapters' leases are made, of course, under the powers of the Acts of Parliament passed subsequently to the Act of Elizabeth, and are either granted for lives or for years; they have no other power to make leases except under those very Acts of Parliament, and those Acts of Parliament do not relate to or affect in any way copyholds.

4025. Will you proceed with regard to the copyholds?—With regard to the copyholds, the copyholds can be traced back to the year 1100, and every manor has its own peculiar custom; custom is the life and soul, you may say, of copyholds; the lord makes the grants under or by virtue of the custom. It matters not what the interest of the lord is, whether he be seised in fee, tenant for life, or for years; he may by the custom make grants for four lives or three, as the custom authorises it.

4026. Do you conceive that there is a legal obligation to renew in the case of copyholds?—Yes; I find it laid down in Cruise that where the custom of a manor has been that the fines have been certain, or relatively certain, that gives the tenant a right of renewal.

4027. Do you know instances where bishops, or deans and chapters have refused to renew, where, as you think, there is a legal obligation to renew?—Never. My principal object, I again repeat, is to draw a distinction between what are here called lessees and copyholders, because the lessees, I contend, are the parties who hold by lease either for 21 years or for three lives; the copyholders, of course, are copyholders by custom.

4028. Mr. *Walpole.*] Assuming all that to be true, what is the question which you wish to raise before the Committee with reference to these copyholders?—That the custom must govern the interest of the copyholders in each manor.

4029. That is only a general principle of law, that where there is a custom in a manor, that custom is to be observed?—Yes.

4030. What is the particular point to which you wish to call our notice?—My object would be for you to draw a distinction between the copyholds and the leaseholds.

4031. *Chairman.*] Is it that you think that in equity the Commissioners ought to give better terms to the copyholder than they have been disposed to give?—If you are to do justice to a copyholder, the calculations made must be made under the custom of each manor; that is the distinction. The distinction is this, if the copyholders established a right of renewal, supposing they have a right of renewal by virtue of the fines being certain, or relatively certain, or otherwise, then the lord's interest in the copyhold land is not nearly so valuable as it would be if the tenant had not a right of renewal.

4032. Mr. *Walpole.*] I think nobody will dispute that?—No; that was the opinion with regard to the copyholds shortly after the Copyhold Act was passed. Several enfranchisements took place in our county by the Copyhold Commissioners, and they enfranchised under the first Copyhold Act; they were of opinion that the Church copyholders in our county had a right of renewal, and they enfranchised upon those terms.

4033. Lord *R. Cecil.*] Has there been any refusal on the part of the Commissioners to enfranchise on those terms?—Yes, they have raised the point; they say that the Church copyholders have no right of renewal.

4034. Mr. *Walpole.*] The question then raised by the Ecclesiastical Commissioners, as I understand you, is this, whether there is a right of renewal or not?—That is it.

4035. Then I suppose that you, on behalf of the copyholders, contend that there is a right of renewal?—Exactly.

4036. The Ecclesiastical Commissioners have contended that there is not?—Yes.

4037. Is not that a legal question to be determined by the courts of law?—Certainly; I think it is.

4038. It being a question to be determined by the courts of law, is it within the province of this Committee to decide that question without having the assistance of counsel or Judges to determine that question?—I think not; the question was never raised until it was raised by the Church Estates Commissioners.

4039. Mr. *E. Denison.*] When was the question first raised?—One question was raised in 1854, with regard to Harvington; there was a case where a tenant wished to enfranchise. The surveyor of the lord went over the estate, and put a valuation upon the estate, that valuation was satisfactory to the tenant, and to the

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Copyhold Commissioners; the conveyance was prepared, but when it came to be executed, some question was raised, and the question of the right of renewal was raised by the Church Estates Commissioners; in that one case, an Assistant Commissioner was sent down into the country, and he took the evidence of the steward of the manor, and other evidence.

4040. *Chairman.*] A Commissioner of what kind do you mean?—An Assistant Commissioner of the Copyhold Commissioners, or the Church Estates Commissioners.

4041. You are not aware which?—I have a letter, signed James Stewart, it is from the Copyhold Commission; this Assistant Commissioner was sent down; he made the necessary inquiry into the custom of that manor, and I have a letter, dated the 17th of February 1854, which, with your permission, I will read: "Copyhold Commission, 7, Whitehall Gardens, 17th February 1854, Manor of Harvington. Gentlemen, I am directed by the Copyhold Commissioners to inform you, that having now received their Assistant Commissioner's report in the above manor as to the right of renewal by the tenants, the Commissioners are of opinion that such right exists; you can therefore now send up the draft in Mr. Bomford's enfranchisement. I am, gentlemen, your obedient servant, *James Stewart*, Secretary." I merely refer to that letter to show that that is in confirmation of the opinion of the copyholders of Worcestershire as to their right of renewal.

4042. Sir *J. Graham.*] Are you aware that the Ecclesiastical Commission and the Copyhold Commission took a different view upon a point of law of the legal right of the copyholders to compel renewal generally?—I understood that there was some misunderstanding between the Copyhold Commissioners and the Church Estates Commissioners, the particulars of which I do not know.

4043. But the fact is known to you that there was a difference upon that very point, which is a point of law?—In that particular case; but I do not know of any other.

4044. You, on behalf of the copyholders, contend that by custom there is a legal right to compel enfranchisement?—Renewal, not enfranchisement.

4045. The Ecclesiastical Commissioners negative that right?—It would seem that they have raised the question by having those clauses inserted in the Acts of Parliament.

4046. That question is still *sub judice*?—It is, or may be shortly.

4047. Mr. *E. Denison.*] Does your position, and the reference which you made to Acts of an early date, go to this point, that these copyholders, whether under ecclesiastical or under lay lords of manors, really ought to stand in the same situation?—Both, in my opinion, stand in the same situation according to the custom.

4048. Is that what you have come to state here as your opinion?—It is.

4049. Under lay lords, has there been any question raised within your knowledge, as to the right of copyholders to renew, by the custom of the manor?—There has been no question raised with my knowledge; it will be raised shortly, I apprehend, and the simple question will be, are the fines certain, or relatively certain; if certain, then all copyholders have a right of renewal; if not, then there may be some doubt whether they have such right; but much will depend on the custom of the manor.

4050. Lord *R. Cecil.*] Will you state, as concisely as possible, what it is that you want this Committee to do?—You will probably in your Report define the difference between the copyholds and the Church leaseholds. I would further suggest that, in my humble opinion, the enfranchisement of all Church property and lay copyhold property should be compulsory, and that the enfranchisement, so far as the tenant is concerned, should not be compulsory for a period of five or seven years after the passing of the Act of Parliament for enfranchisement, in order to give every opportunity to copyholders and leaseholders to prepare to enfranchise. I would also suggest that upon every enfranchisement the amount to be paid for the enfranchisement should be determined by arbitration, in the event of the lessee or copyholder not being satisfied with the terms proposed by the Church Estates Commissioners.

4051. Marquis of *Blandford.*] Do you agree with the last witness, that either party should be able, compulsorily, to call for an arbitration?—Yes; and I think the amount to be paid in every case, in the event of the tenant being dissatisfied with the amount named by the Church Estates Commissioners, should be determined by arbitration.

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4052. I suppose that would be a necessary consequence of the enfranchisement being compulsory?—I think that they would have no power to go to arbitration if it were made compulsory, unless the power of arbitration were inserted.

4053. If the power to compel enfranchisement existed, would it not follow, as a necessary consequence, that there must be a power of arbitration?—It ought to be so.

4054. *Chairman.*] Do you mean that there should be compulsory power given to the Ecclesiastical Commissioners and the lessees, or that compulsory enfranchisement should take place by virtue of an Act of Parliament?—That it should take place by virtue of an Act of Parliament with respect to both lessees and copyholders.

4055. In all cases of enfranchisement?—In all cases.

4056. Marquis of *Blandford*] Is it your opinion that any lessee should be able to call upon the Ecclesiastical Commissioners to enfranchise his property?—Yes, both lessees and copyholders.

4057. Supposing the Ecclesiastical Commissioners wished to purchase the property, in your opinion, should no option be given to them?—Yes, where the lessee or copyholder refuses or declines to enfranchise.

4058. In fact, what you would recommend would be this, that if the Commissioners did not enfranchise, they should be compelled to purchase?—Not compelled, but to have power to purchase when lessee or copyholder refuses or declines enfranchising. I wish to refer to one other point; in the last Act of Parliament power is given to trustees to raise money to enfranchise; there may be some question whether that extends to mortgagees; it is very advisable, in my humble opinion, that it should extend to giving mortgagees the power as well as trustees.

The Reverend *John Griffith*, called in; and Examined.

Rev. *J. Griffith.*

4059. Mr. *J. A. Smith.*] ARE you the Vicar of Aberdare?—Yes.

4060. How long have you been so?—Ten years.

4061. What is the revenue of your incumbency?—The net income is about 222 *l.*

4062. What is it derived from?—There are 10 *l.* from the tithes, 75 *l.* from what we call Lord Bute's benefaction, 75 *l.* from Queen Anne's Bounty, and the rest from fees, which are very fluctuating; and I should observe, with regard to fees, that when the parish is divided into districts, after my day, those will go to the separate districts of the parish.

4063. What is the extent of the parish?—Ten miles by seven.

4064. *Chairman.*] Is it to be divided according to any arrangement which has been made?—I suppose it will be; we have divided one portion now, owing to a church being built, and I contemplate dividing other portions as well.

4065. Has there been any arrangement made by any authority?—Yes; with regard to one district, we are completing it now.

4066. Mr. *J. A. Smith.*] What was the population when you went there?—In 1841 it was about 6,400; in 1851 it was 15,000; and, from a computation which has been lately made by the Board of Health, it is somewhere from 23,000 to 25,000 now.

4067. What was the church accommodation when you went there?—One hundred and seventy-six sittings.

4068. What has been done with reference to the relief of spiritual wants there since?—We have built two good sized churches, one to hold 1,000, and the other 650, and I am now contemplating building another.

4069. How did you build those churches?—The largest of them has been built by subscription. Owing to an arrangement with the late Mr. Clive, he contemplated first of all taking a portion of that church for the people on his property, but he thought that it was rather too distant from the property, and he then very munificently took upon himself to build a church at his sole expense, which he did; and I am sorry to say that that church has been burnt down since; however, it is being rebuilt.

4070. Had you any assistance towards building either one or the other, or both of those churches, from the Chapter of Gloucester?—Yes; 20 *l.* from the Dean and Chapter of Gloucester.

4071. To the first or to the second?—To the first.

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4072. Did they contribute anything to the second?—No.

4073. Did you apply?—No, I did not apply for Mr. Clive's church, because he took it all upon himself; but I applied for my own, which has cost about 6,000 *l.* altogether.

4074. And they gave you 20 *l.* towards it?—Yes, after some time.

4075. Have you ever made any application to them for any increase of income?—Yes, I have done so.

4076. Have you received any reply?—They have referred me to the Ecclesiastical Commission.

4077. Did you apply to the Ecclesiastical Commission?—Yes.

4078. When did you apply?—At the beginning of the month of December last.

4079. Did you have any answer to your application?—Yes; a letter was written last Friday.

4080. Had you no answer to your letter from December till last Friday?—None whatever.

4081. What was that answer?—That answer was, to the effect that nothing could be done for me more than for anybody else; that I must take my chance with all the other districts.

4082. *Chairman.*] What are the great tithes of Aberdare?—They have been commuted at 284 *l.*, and the vicarial tithes at 68 *l.*; and I get of the vicarial tithes, 10 *l.*

4083. What is the application of the great tithes?—They go to the Dean and Chapter of Gloucester.

4084. Mr. *Walpole.*] Are they out on lease?—They are.

4085. There are no tithes in hand, I think?—That I do not know; I know nothing about that..

4086. Sir *J. Graham.*] What becomes of the larger portion of the vicarial tithes, of which you only receive 10 *l.*?—They go to the vicar of Llantrisaint, which was originally the mother church; it is distant about 23 miles from Aberdare.

4087. Your church is not the mother church?—No.

4088. Lord *R. Cecil.*] On what ground did the dean and chapter refer you to the Ecclesiastical Commissioners?—Because they had transferred their property to the Ecclesiastical Commissioners.

4089. That was quite lately, was it?—Yes, last year.

4090. Mr. *Mowbray.*] Was the letter which you received from the Ecclesiastical Commissioners dated Friday, or did you receive it on Friday?—It was dated Friday; it was sent to Aberdare and received there on Sunday; it was forwarded to me, and I received it on Monday.

4091. Marquis of *Blandford.*] Had you ever made any application previously to the Dean and Chapter of Gloucester?—Yes; I have been applying to them, in fact, ever since I have been there.

4092. How long have you been there?—Ten years.

4093. So that, in fact, you made application to the Dean snd Chapter of Gloucester before they transferred their property to the Commissioners?—Yes, several times. The answer always was, that they had no property there from which they could afford to give me anything.

4094. Had they no property there?—Yes, they had the property which they have now; and I must say that I had a great deal of difficulty in persuading them that they had such valuable property.

4095. Lord *R. Cecil.*] Do you know at all at what rate the property has improved of late years?—I cannot answer that question exactly; it was for a length of time merely agricultural property, and from no other reason whatever than because the Dean and Chapter of Gloucester would not be persuaded that they had such good property there. In fact, I had a letter from the dean himself, saying that I exaggerated the value of their property in my account of it.

4096. With whom did you correspond; with the dean?—With the chapter clerk. In answer to an application of mine some years ago, the dean took the opportunity of saying that the account which I gave to the Episcopal and Capitular Commissioners was altogether false. I valued both the mineral and the landed property then at 1,500 *l.* a year, but since that their own valuer has told me that the building land is worth 1,200 *l.* a year, and I know that they might receive at any time, if they would grant a lease, 30,000 *l.* for the minerals.

4097. Mr.

4097. Mr. *E. Denison.*] What are the minerals?—Coal and iron.

4098. *Chairman.*] What is the mother church of Aberdare?—Aberdare was made an independent parish when it received assistance from the Parliamentary fund under Queen Anne's Bounty.

4099. Sir *J. Graham.*] Has this sum of 1,200 *l.*, which you have stated might be obtained by building leases, not been obtained?—The land is in the act of being leased out now.

4100. Then the transaction with respect to which you complain has commenced and is in progress?—Not the taking of the minerals.

4101. I am talking of the building leases?—Yes, that is in progress.

4102. With regard to the mineral property, how long is it since you made this representation, that 30,000 *l.* might be obtained for it?—It was in June last, first of all.

4103. To whom did you make it?—To Mr. Whitcombe.

4104. Who is Mr. Whitcombe?—The chapter clerk of Gloucester, and he referred me to the Ecclesiastical Commissioners. I wrote to Mr. Chalk; and I had an answer from Mr. Chalk, referring me to Mr. Clutton, and I had an interview with Mr. Clutton, the surveyor.

4105. When was this communication between you and Mr. Clutton?—It was, I think, in the month of August of last year; I went up to London specially; I may state that I was called in question yesterday, and asked what business I had to meddle in the matter, and how I became an agent; perhaps I may mention why I became an agent.

4106. By whom were you asked that question yesterday?—I was asked it yesterday by an official connected with the Ecclesiastical Commission.

4107. Who asked you that question?—Mr. Chalk.

4108. Did Mr. Chalk reprehend you for what you were doing?—I must say he did.

4109. What did he say to you?—It was general reprehension; I cannot say any further.

4110. Mr. *Walpole.*] What do you call reprehension?—He said, what business was it of mine to meddle in this matter, which did not concern me at all; and I said that it did concern me; at least that it did not concern me immediately, but that it did remotely concern me, and concern everybody connected with the Church, and more especially a church like mine, which was situated in a place where the spiritual destitution was so very great; I of course have been anxious in order to do all I possibly could to get property which I knew belonged to the Church, if I could make it available for Church purposes; that was my only object in meddling in the matter.

4111. Sir *J. Graham.*] The source of income in reference to building leases, which you pointed out, has been rendered available, and the Commission is dealing with that matter?—Yes.

4112. With respect to the minerals, the rapid rise of your parish in population is ascribed to the working of the minerals, is it not?—Yes, it is.

4113. What is the position of the minerals which are wrought compared with the position of the minerals belonging to the dean and chapter which remain unwrought; is the portion unwrought belonging to the chapter nearer to the town, or is it more distant?—It is quite close to the town, and is now forming a part of the town; still the minerals are so deep that they can very well be worked so as to be all brought to the surface; fully half the property now, I dare say 15 acres, might be worked immediately without any risk whatever to the houses; but the mineral agents there do not apprehend any risk at all, because the depth of the mineral under the surface is sufficiently safe, according to their account, to work the minerals.

4114. Are the minerals on the property of the dean and chapter deeply seated?—Yes, the workable seams.

4115. On what information are you speaking?—The information I get from my friends there, and the mineral agents of the country.

4116. Has the Ecclesiastical Commission taken no step, within your knowledge, to ascertain the value of this mineral property, and as to its being workable at a moderate cost?—They are taking steps now.

4117. Then at this very moment all that you have recommended to be done is in progress of being done?—Yes.

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4118. The letting on building leases and the investigation of the value of the minerals, and the facility for working them?—Yes.

4119. Then you do not say that there is any neglect on the part of the Ecclesiastical Commission with respect either to the building land or to the minerals?—None whatever in respect to the Ecclesiastical Commissioners; but still I should observe that this is a proof of the truth of what I asserted nine years ago, and that if what I said then had been brought forward the whole of the mineral might have been brought to the surface, and then there would have been no question at all about houses being built safely upon the surface.

4120. Then the neglect which you allege, is neglect on the part of the Dean and Chapter of Gloucester, before the transfer of the management to the Ecclesiastical Commission?—I do not say that it was neglect, but it was a want of belief more than neglect.

4121. But whether neglect or want of belief, that is limited to the Dean and Chapter of Gloucester, and does not extend to the Ecclesiastical Commissioners?—Certainly.

4122. The Ecclesiastical Commission have acted on your information?—Certainly they have.

4123. *Chairman.*] Did the dean and chapter never send a surveyor down, or any agent of theirs, to inquire into the truth of what you alleged?—Not during the years I am speaking of.

4124. Did they do so at any time up to the time when the property was transferred?—They did after some time, but still it was too late, because I remember the remark of one of the chapter who was standing on the property with me when he came there to see the property; he said, "If I had known this, we should never have renewed the lease two years ago." I then said, "It is not my fault, Dr. Jeune, that you did not know it."

4125. When did this conversation which you refer to take place?—Three or four years ago.

4126. Sir *J. Graham.*] As to the value of 30,000 *l.*, upon what grounds do you ascribe that value to a lease of the minerals?—Upon the royalty.

4127. Upon what information do you state your belief that 30,000 *l.* might have been obtained some time ago, and might now be obtained?—I was going to explain a little while ago how I became an agent in the matter at all. I happened to ask a friend of mine, who is my churchwarden, a very large iron master, how he was going on with the offer which he had made to the Dean and Chapter of Gloucester to take the property. He said, "We are not going on at all; our solicitor has written, and some how or other we cannot get an answer." I said, "Will you allow me to write and take up the matter;" and he said, "I will." An appointment was made to meet in his office the next day, and we were there with his mineral and coal agent.

4128. Will you mention the name of this gentleman, your churchwarden?—Mr. Wayne. We went into the figures there at so much per ton, which I think was 9*d.* for the coal, and 1*s.* for the mine. I cannot exactly recollect now; they calculated the number of tons under the ground, and what it would be, and the time that it would take in working it out; they would have worked out, they said, in five years the whole of the coal. These items I put down and sent, of which Mr. Chalk has no doubt the original letter still.

4129. Has there been an accurate survey of the minerals upon which this calculation of Mr. Wayne was founded?—Yes, sufficiently accurate to know the thickness of the seams, and to say exactly within a few tons how much per acre could be procured.

4130. Is Mr. Wayne still anxious to take the minerals upon the terms which were offered to the chapter?—Very anxious and ready to take them.

4131. And that question is now before the Ecclesiastical Commissioners?—Yes.

4132. Mr. *Walpole.*] Do you say that 30,000 *l.* had been offered for a lease of these minerals?—No, that the minerals worked, if the offer were taken, would produce 30,000 *l.* clear to the Ecclesiastical Commissioners.

4133. In what way, and in what course of time?—By the payment of royalties.

4134. Then you mean that the royalties spread over a certain number of years would produce 30,000*l.*?—£.15,000 for five years, and 15,000*l.* for the mine in another five years; those are the terms which have been offered.

4135. Marquis of *Blandford.*] Your object in interesting yourself in this matter was to show what the value was, in order that that value might be realised, and then that a portion of that sum realised should go to the spiritual wants of your parish?—Exactly.

4136. Your first statement was disbelieved, but now steps are being taken to ascertain the facts, of which you have no reason to complain?—None whatever.

4137. Have you any additional security that a portion of that realised value will go to supply the wants of your parish?—None whatever; Mr. Chalk has told me that it will not, and cannot go.

4138. You are seeking to establish an equitable claim upon a portion of that improved value for the spiritual wants of your parish?—Yes.

4139. Mr. *J. A. Smith.*] Did Mr. Chalk give you any reason why you could have no assistance?—That there was no power by the Act of Parliament.

4140. Mr. *Walpole.*] If I rightly collect your case, it turns upon the question whether that was property which had a local claim put upon it by the Act of Parliament or not; is not that so?—I suppose so, but I am really not acquainted with the Act of Parliament.

4141. There is in the Act of Parliament a proviso that where property arises from tithes, the parish out of which those tithes are taken has a local claim to an augmentation of the benefice?—Yes; and I must say that Mr. Chalk did, in the kindest manner, put me in a way yesterday by which it is very possible that means may be obtained from funds which I have in Queen Anne's Bounty, so that if the lessees will sell the tithes, I may purchase them; that is through the Ecclesiastical Commissioners.

4142. Sir *J. Graham.*] Then your communication with Mr. Chalk yesterday was not altogether unpleasant, because in a portion of the communication he spoke kindly to you?—It ended very happily.

4143. Mr. *Walpole.*] Then I hope you are not very dissatisfied with Mr. Chalk?—Far from it; and I think Mr. Chalk must know that too.

4144. Lord *R. Cecil.*] Looking not at past Acts, but at future legislation, do you think it monstrous that so large an amount of revenue should be derived from the parish of Aberdare while the parish of Aberdare is in this state of destitution?—Yes, for this reason: a very large majority of the parishioners are Dissenters, and when I ask anybody, "Will you subscribe to my schools; will you assist me in any way?" the answer always is, "No; there is plenty of Church property; go to it." At the same time, I must do the justice to the Dissenters to say that they have been most liberal in assisting me in everything I have done, or as regards churches and schools, and they do still assist me; but that is the stereotyped answer when I ask for anything; still a good many help me.

4145. I suppose the reason why they have become Dissenters is on account of the inadequacy of the spiritual provision in the Church?—No. That requires a long answer.

4146. *Chairman.*] The property which you speak of, both with regard to building leases, and with regard to minerals leases, has nothing to do, as I understand it, with tithe rentcharge or with tithes?—It has nothing to do with the tithes, I believe.

4147. Mr. *Walpole.*] And I think, if I collect rightly, that the tithe rentcharge, which is commuted there, is now under lease?—Yes.

4148. And I think the lease will not expire for 17 or 18 years?—So Mr. Chalk told me.

4149. Mr. *Mowbray.*] Do you think your parishioners are aware of the distinction, which has been explained to you to-day, made by the Ecclesiastical Commissioners between property in tithes and other property in the parish?—I think not; I am sure I was not aware of it.

4150. Mr. *J. A. Smith.*] Do you know what proportion of Dissenters to Churchmen there is in Aberdare?—It is very large; two-thirds are Dissenters, no doubt.

4151. Sir *J. Graham.*] How many sittings are there in the Established Church, taking your old parish church, which is small, and the two new ones which have been built?—I should think 1,900 altogether.

4152. Are those constantly filled?—No, they are not; but I should observe that they are quite as well filled as churches in mining and manufacturing dis-

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tricts, and as well also as churches are filled in London where the working classes only are. I speak from experience which I have had in London and in the manufacturing districts of the North; our churches are quite as well attended.

4153. The sittings are quite as numerous as the demand for sittings requires?—Quite as numerous; still I should not like a false impression to be received on that point. My parish consists of a number of small towns, and there ought to be a church in every one of them; and that is what we are trying to get now. There are a great number of people for whom it would be too far to come to church so as to fill the larger churches, and my object is to get churches for them in every district there. Though we had only 176 sittings in the first instance, still the old church is quite as full as it was when I went there, and the two other churches are very respectably attended, and I am sure that wherever we put a church we shall always have a good attendance in it.

4154. Then, though your 1,900 sittings are not now filled, you think that if you add considerably to the number of sittings the attendance will increase?—Yes, in different parts. With respect to the 1,900 sittings, the churches are situated at three distinct places.

4155. Mr. *J. A. Smith.*] And some of them at a considerable distance from portions of the population?—Yes.

4156. Sir *J. Graham.*] How many dissenting places of worship are there?—In round numbers, about 30.

4157. There are three churches and 30 dissenting chapels?—Yes. I should observe, that I have also three licensed schools as well as churches, where there is Divine service, with two sermons, every Sunday regularly.

4158. How many do the whole of those 30 dissenting chapels contain?—I do not know; I never was in one, therefore I cannot tell.

4159. From your knowledge, about how many?—I really cannot tell; some are very small; some not larger than this room.

4160. As compared with the 1,900 sittings of the Established Church, do the 30 dissenting chapels contain sittings for a much larger number?—A very much larger number.

4161. What proportion; two or three times as many?—Yes; I have no doubt that they would hold on the average 200 each.

4162. That would be 6,000?—Yes.

4163. While there is accommodation for the members of the Established Church to the extent of 1,900, there are 6,000 sittings for Dissenters?—I have no doubt there are.

4164. Lord *R. Cecil.*] They are much better distributed?—Much better distributed.

4165. Sir *J. Graham.*] Are those 6,000 sittings, speaking generally, fully occupied?—I have no doubt they are well attended, especially at six o'clock.

4166. Therefore, while the 1,900 sittings of the Established Church are not filled, the 6,000 sittings of the Dissenters are well filled?—I should not say that they are well filled; perhaps every chapel, on the average, would be always half full; perhaps some would be very full; others not full; but I am really speaking without book, therefore I do not like to speak upon it.

4167. You are speaking of your own parish?—Yes; but I never go into dissenting chapels to see that.

4168. You know the attendance of your own congregation, and can speak of the congregations of your parishioners who go elsewhere?—Yes, I know that the dissenting chapels are very well attended.

4169. *Chairman.*] Are there many Churchmen who are unable to find seats in the church, or who live at so great a distance from the church that they cannot conveniently attend the church?—No, I do not suppose that.

4170. Marquis of *Blandford.*] I think you stated that there were some other churches besides yours in the parish?—Licensed schools; two of the churches are mine, and the other I have just assigned now as a district church.

4171. Have you no districts attached to those churches?—Yes, to one.

4172. Is it served by a licensed curate?—That is served by a perpetual curate, now paid by Lady Windsor.

4173. Is that a permanent endowment, or a payment at pleasure?—A permanent endowment.

4174. What

4174. What does it amount to?—I think about 120 *l.* a year.

4175. Has Lady Windsor the patronage of that church in consequence of that?—No, it is given to the bishop. Mr. Clive gave it up to the bishop.

4176. Is that the only church in your parish?—No, I have two others, the parish church and the church which I built myself; and my application to the dean and chapter was for an endowment for that church.

4177. How is that church endowed at present?—It is not at all endowed.

4178. How is it served?—I serve it myself. I serve that church, and then I have three curates given me; one by the Church Pastoral Aid Society, another by the Curates' Aid Society, and another by the Diocesan Church Society.

4179. So that you have three curates paid by different societies in London?—Yes.

4180. Do you keep a curate yourself?—No; I cannot afford to do that out of 220 *l.* a year.

4181. Are the sittings in this other church free?—In Lady Windsor's church they are nearly all free; in my church there are about 500, I think, free.

4182. And how many are let?—I entered into an arrangement with my parishioners, that if they subscribed such and such an amount, they should have a pew in the church to call their own for ever. Many of the pews are taken, especially by all the respectable people, in that way. Then I have let a few more, but very few, because where the people are entirely tradespeople and of the working classes, excepting one small portion of the upper classes, that is to say, the iron-masters, you cannot get any pew rents from them.

4183. Do you think that the fact of the pews being let operates at all to keep the churches empty?—Not at all, because they sit in pews which are appropriated in the church now.

4184. Sir *J. Graham.*] There are now yourself and three clergymen performing the duties for 1,900 who attend your ministrations?—Yes.

4185. Are there many Mormonites in your parish?—No. Our parish was their head-quarters; they commenced there, but they have gone now; there are a few there still.

4186. It was the head-quarters of Mormonism?—They began at Aberdare, I am sorry to say.

4187. There are not many there now?—Very few; because they have been draughted off.

4188. They have gone to America?—Yes, to the Salt Lake; otherwise they would have been very numerous.

4189. Marquis of *Blandford.*] I suppose you do not confine your ministrations to the members of the Church of England; the Dissenters receive your visits?—Yes.

4190. Are they glad to receive your visits?—Very glad indeed.

4191. Do they ever send for you?—Frequently.

4192. Do they come to be married at the Church?—Yes, a good number.

4193. Do they apply for burials?—I bury them nearly all; because that is a peculiarity of the Welsh, that they will all, if they can, whether Dissenters or not, be buried in the Church burial-ground.

4194. Mr. *Mowbray.*] Do you conceive that if you had funds placed at your disposal for the remuneration of an additional number of curates, these persons who are glad to be married at the Church when living, and to be buried in the burial-ground of the Church when dead, would be regular attendants at the church?—A very large number of them; in fact, as far as regards the Welsh people in our districts, such was the state of the Church previously, that nearly all the Welsh Church congregations are now converts to the Church. Whatever people attend Church, whether in my parish or the neighbouring parish of Merthyr, or if you go on again into the mining districts, are nearly all converts to the Church.

4195. Mr. *Walpole.*] What classes of Dissenters are there in your parish?—Baptists and Independents.

4196. Wesleyans?—Yes; the Wesleyans are comparatively few; but there are Baptists and Independents, and what we call Methodists, but they are the Welsh Calvinistic Methodists.

4197. Sir *J. Graham.*] Notwithstanding your own praiseworthy exertions, and

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the exertions of your three curates, and the converts which you have made, the fact remains that your 1,900 sittings are not filled?—Yes, there is no doubt of that.

4198. Marquis of *Blandford.*] Do you give a service in Welsh?—Yes. We have ten services every Sunday; we have ten sermons every Sunday; one-half Welsh, and one-half English; some altogether Welsh.

4199. Do you think that if a larger amount of Church property were applied to the spiritual wants of that place it would create an improved feeling towards the Church generally?—I have no doubt of it, and it would improve the people generally.

4200. Mr. *Mowbray.*] What additional number of clergymen do you think there is room for?—In such a large parish as that there is room for ten, I should say.

4201. Do you think it would be felt as a great hardship if a large sum of money, say 5,000 *l.* yearly, or whatever it was, went to the common fund of the Ecclesiastical Commissioners from the parish of Aberdare; that that amount should be dealt out to Lancashire and Yorkshire, and other distant parts of England, and not to you?—There is no doubt it would be felt so.

4202. The sum at present going to the common fund is small?—I believe there is very little going to the common fund.

4203. Sir *J. Graham.*] It does not exceed 250 *l.* a year, does it, from the tithes?—£. 284 a year; that is the gross, of course, of the tithes.

4204. Lord *R. Cecil.*] Will not the result of the operations which you have induced the Ecclesiastical Commissioners to undertake, be to draw a still larger population into the parish?—No; the quantity of mineral belonging to the dean and chapter is comparatively so insignificant and immaterial to what the rest is, that I do not suppose it will add to the population.

4205. The existing population can work it entirely?—Yes. They say there are 20 acres, but I should think there are 25 acres there.

4206. Then are there a great many persons unemployed in the parish?—None whatever.

4207. How then will they, in addition to their present employment, execute all these new works?—The moment we open a colliery plenty of persons come from some part or another.

4208. Then it will increase the population of your parish?—Yes; but I consider it so small that I do not take it into account.

4209. Marquis of *Blandford.*] How many men would be employed in the new colliery?—About 150 to every colliery, to work it well.

4210. Lord *R. Cecil.*] So far as it goes, the result of Church property being there is not only not to decrease the spiritual destitution, but absolutely to increase it?—Yes; and a great many of the fresh comers, who are coming into the parish every day, of course live on the dean and chapter's property in the houses there.

4211. Mr. *Mowbray.*] Do you think it would be fair that before this sum goes to the common fund, at least enough should be set apart to provide for the ten additional clergy who are absolutely required in the parish of Aberdare?—Yes.

4212. And if you are told that the law, as it at present stands, prohibits any of this money being spent in the parish of Aberdare, do you think it advisable that the law in that respect should be altered?—Yes; of course I should be very glad to see it altered.

4213. That Aberdare, in fact, should have a prior claim to any village in Lancashire or Yorkshire in the distribution of this money?—Yes.

Martis, 20° *die Maii*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Walpole.
Sir George Grey.	Mr. Ingham.
Sir John Pakington.	Mr. Evelyn Denison.
Marquis of Blandford.	Sir William Heathcote.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Mr. Mowbray.

The RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Mr. *Robinson Latter*, called in; and Examined.

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4214. *Chairman.*] ARE you a sub-lessee of Church property?—I am.

4215. Where is that property situated?—At Bromley, in Kent, under the See of Rochester.

4216. Who is the principal lessee?—The Rev. James King.

4217. Do you wish to make any statement with respect to that property, and your condition as a sub-lessee?—My object in appearing before the Committee is to call attention to the position of the sub-lessees with reference to the lessees; and I wish to confine myself entirely to those cases which are of a very numerous class, in which the sub-lessees have a covenant for perpetual renewal on payment of a certain rent, and a proportionate part of the fines which accrue. First, I would call attention to the fact, that (as I think) the sub-lessees have been, by the operation of the interpretation clause of the Act of the 14th & 15th Victoria, rather unfairly, and perhaps inadvertently, excluded by the Legislature from the benefit of the purchase of the reversion. I found that opinion upon the fact, that in the Report of the Lords' Committee, upon which that Act is in some measure founded, these words are used: "having due regard to the just and reasonable claims of the present *holders* of lands under lease *or otherwise*, arising from the long-continued practice of renewal."

4218. Mr. *Wilkinson.*] What do you argue from that?—I argue that by the true construction of those words, the sub-lessees are especially included, but by the interpretation clause the word "lessee" is so defined that no one but an assignee, though he may virtually possess the entire interest in the property, is capable of being the purchaser of the reversion from the Commissioners. For instance, in my own case the lease is for the three lives to the original lessee; my sub-lease is for 99 years, if those three lives should so long live. Practically, therefore, if the lease were allowed to run out, my interest is co-extensive with that of the lessee, because it is not to be presumed that those lives will last for the 99 years; and on the decease of the last of the three lives my interest ceases; the lessee's interest also ceases.

4219. *Chairman.*] But there is no immediate relation between the bishop and the sub-lessee?—Technically there is not, but practically there is. Practically there is a privity of estate. On the other hand, *quoad* renewal, there is barely a privity of estate between the bishop and the lessee; there is no privity of contract, because by virtue of the old statutes under which these ecclesiastical leases were originally granted, no ecclesiastical corporation had power to insert a covenant in the lease for perpetual renewal; the power was only to grant leases for 21 years, or for a life or lives in being, and I apprehend that if any covenant had been inserted in an ecclesiastical lease for a renewal, such as is inserted in the sub-leases from the lessees to the sub-lessees, that would *ipso facto* have made the lease void as contrary to the intention of the Legislature in those Acts.

4220. Therefore, would it not be very difficult to argue that that which is prohibited by Act of Parliament should be acknowledged as the usage?—I do not quite apprehend your Lordship.

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4221. The Act of Parliament having prohibited any clause for perpetual renewal in a lease, although such a clause might find its way into a lease between the principal lessee and the sub-lessee, it would be difficult to found any claim of right upon that?—Yes; that objection would apply to the claim of renewal on the part of the lessee from the bishop; but the Legislature, I apprehend, has gone beyond that view of the question, and has allowed a certain just and reasonable claim on the part of some one (for the sake of the argument I will leave out whether lessee or sub-lessee) to compensation on account of the long-continued practice of renewal, in consequence of their having, by vesting this property in the hands of an undying corporation, taken away the chance, or almost the certainty which the lessee or the sub-lessee, as the case may be, had of obtaining a renewal from the bishop. I apprehend that that settles the question.

4222. Was not there a clause inserted in the House of Commons which was intended for the protection of the sub-lessees?—There was; that clause I consider wholly inadequate for the purpose of protecting the sub-lessee; in fact, it is so vague, that although I am in the profession of the law, I confess I am wholly unable to understand my rights under it.

4223. Will you state more particularly in what respect that clause is defective?—It is very difficult to point out the particular parts of the clause which are objectionable, beyond stating the fact that it is unintelligible.

4224. Will you read the clause?—The clause is this: "The interest in lands acquired by any lessee under this Act, shall be deemed in equity to be acquired in respect of his interest under his lease, and shall be subject to the same trusts, charges, and incumbrances as his lease, or any lease obtained on a renewal thereof would have been subject to, so far as the different natures of the property will admit, and all covenants and agreements which would have entitled any sub-lessees or others to derivative interests upon renewals of such lease upon contribution to the fines, and other payments upon renewal or otherwise, shall give the like rights, so far as the nature of the property will admit, to proportionate shares and benefits out of and in respect of any interest in lands which may be acquired under this Act by the lessee, who may be subject to such covenants or agreements upon a proportionate contribution to or in respect of the costs, payments, or consideration paid or given for the interest so acquired by such lessee." Now there is no time limited in which that proportionate contribution shall be made.

4225. Mr. *J. A. Smith.*] What do you take to be the meaning of that clause?—I am utterly unable to conceive what is the meaning of it. I do not know what my position would be in the event of my lessee enfranchising under that Act; whether I should be bound to pay him a proportionate part of the fine which he paid for the whole estate immediately, or at any and at what time; and whether if I declined to accept the terms, my lease would be forfeited, which would be the case if I refused to pay a fine to the bishop, as, if I refused to pay a fine for renewal under the old system, I should forfeit my lease. However that may be in the case of Mr. Paynter, whose evidence we heard the other day, I am certain that in my instance (and I believe in most others) it would involve the forfeiture of the lease if I refused to renew in accordance with my covenant.

4226. How could any new transaction which was not contemplated originally forfeit the lease?—Because this clause says, that the same rights shall be given to the sub-lessee.

4227. It does not affect the rights as between the lessee and the sub-lessee, does it?—I do not know.

4228. Is it possible?—If I followed it out, supposing I declined for the sake of argument, what would be my position under this clause if a life dropped? My lessee only covenants with me that in the event of his obtaining a renewal from the bishop, he will grant to me a sub-lease on the same terms; but if he purchases the reversion, and one of the lives drops, I have no express covenant with him to grant me a renewal, and he may run me out; there is nothing to stop him.

4229. Mr. *Ingham.*] Must you either contribute your share to the sum paid for enfranchisement, and then hold perpetually, paying the fixed rent which you pay now; or else, in the case of your refusing to do this, would you just hold till the expiration of the three lives?—Yes, but I, and not the lessee, am the party who has made the outlay upon the property.

4230. The facts vary in the particular cases, do they not?—No, it is universal.

4231. Is it not the case that you may come into property already improved by the lessee

lessee to the full?—I have never heard of such a case. I have heard of original sub-lessees making improvements, and selling their interests to other parties, taking assignments of those sub-leases; but it is the same thing whether I or my predecessor does it.

4232. Do not you know cases where the lessee himself has either with his own funds made the buildings, or leased the property at an inferior rent to a sub-lessee who has built, and then his assignee comes upon the property so improved?—I apprehend that that would not be a case in which the lease would be renewable (to which I confine my evidence) upon the payment of a rent certain, and a proportionate part of the fine; it would be more in the nature of a rackrent.

4233. Mr. *Wilkinson.*] The case to which you confine yourself is your own case, is it not?—Yes, and I believe a very general case.

4234. Will you state precisely what your own case is?—I have already stated it, I think. I am sub-lessee of property held under the See of Rochester upon lease originally to the Rev. James King; it comprises the tithes and the glebe land of Bromley. Part of this glebe land was let by Mr. King, and upon that my predecessor has built. I became the purchaser of the sub-lease, and that is my position.

4235. *Chairman.*] Supposing the lease to be renewed, your contract with the lessee would protect you?—One renewal has taken place since I have been in possession of the property; the lessee went to the bishop without consulting me upon the subject; he made his own bargain with the bishop for the fine upon which he was to obtain a renewal of the whole property comprised in his lease, and he then gave me notice to settle by arbitration. In accordance with a clause in the lease, a proportion of that fine was payable in respect of the value of my property with reference to the rest of the property comprised in the lease; I had to pay that proportion, together with the costs, and obtained a renewal.

4236. Was not that proceeding entirely in conformity with the bargain which you had made with the lessee?—Precisely; but I object to it.

4237. In the case of enfranchisement you think you would not have sufficient protection?—In the case of enfranchisement, I think the person within the scope and meaning both of the Lords' recommendation and the Act of Parliament as it exists, of the 14th & 15th Victoria, is the person who has made the outlay, and not the lessee; I conceive that the recommendations of the Lords' Report require that the sub-lessee should be included.

4238. What would you suggest for the purpose of further protecting the sub-lessee?—I would suggest that the interpretation clause should include the sub-lessee who is now excluded. I will give an instance to the Committee how very inconvenient this exclusion is. In this very case of Bromley, upon part of the glebe land the gas works are erected. The company, a short time since, wished to purchase the reversion; upon applying to the Bishop of Rochester they found that he had no power under the existing law to sell to any one but the lessee. An application was then made to the lessee, who gave his consent to become a party to the deed to convey the reversion to the Gas Company. The counsel of the Church Estates Commissioners took this objection; they said: "Although it is matter more for the purchaser's than for our consideration, we do not think it right that a public body should profess by deed to do that which the Act of Parliament does not authorise them to do;" therefore they declined to convey it to the Gas Company, notwithstanding the lessee was a party to convey.

4239. Did they conceive themselves bound by the Act of Parliament?—They said they had no power under the Act of Parliament to convey to any but the lessee, notwithstanding he was a party to the deed and consenting.

4240. Do you not think it would be necessary, in such a case as you have supposed, that the lessee's consent should be required?—I think not. I do not think that the lessee has anything to do with it beyond the term of his existing lease; I think that the whole consideration for these words which are inserted, "Due regard to the just and reasonable claims of the holders of lands" is founded upon the outlay which has been made upon the Church property. The sub-lessee is invariably, as far as my experience extends, the person by whose outlay the value of the reversion itself has been created to the Church, and there is no contract, and there could have been, under the existing law, no contract on the part of an ecclesiastical corporation, to renew any lease

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to a lessee; and if any bishop had chosen to run out the lives, as in the instance put by your Lordship the other day; had the Bishop of Winchester, when a young man, chosen to run his life against those leases, no complaint could have been made of him in moral equity if he had refused to renew the leases to those lessees, because they had made no outlay. The hardship would have been upon the sub-lessees who had made the outlay, and who would have sacrificed their property; the lessee would merely have lost a gratuity in the shape of the rent.

4241. Mr. *E. Denison.*] If the bishop had run out the lessee, what would have become of the sub-lessee?—He would have lost his outlay, which outlay he would not have made but for the moral certainty that the bishop's interest would prompt him to renew from time to time.

4242. If the bishop had run out the lessee, the sub-lessee would have gone to the wall?—He would.

4243. Then if the sub-lessee's interest is to be protected by the intervention of Parliament, do you think that there should be no consideration at all for the lessee?—I think not, beyond the term of his present lease. I think beyond that it would be a mere gratuity; as on the part of the bishop it would have been a mere gratuity to the lessee to grant him a fresh lease on the same terms, or terms inadequate to the value of the estate, I think that it would be a gratuity on the part of the Legislature to extend the lessee's interest in these estates beyond the terms of the present lease.

4244. Who introduced the sub-lessee to the property at all; was not it the lessee?—The lessee.

4245. Mr. *J. A. Smith.*] The first risk was run by the lessee?—No; he always let it at an improved rent.

4246. He did not let it until after he had it?—No.

4247. The first risk must have been run by the lessee?—Yes, probably so, if there was any risk; there was no outlay upon it at that time in the majority of instances. All these leases, as far as I know them, are at nominal rents.

4248. When the lessee undertook to pay a certain rent to the Church, he was liable for it, and he took the contingency of its being profitable or unprofitable?—Yes.

4249. How is it that you ignore all that?—Even if it applied to the original lessees at the commencement, who took that risk many centuries ago, I think it would hardly apply in the present instance, where the sub-lessees have invariably paid the whole fine on renewal and all the costs, and the lessee has paid no outlay whatever.

4250. But the leases, of which the Committee have heard so much, belonging to the See of Winchester, are not centuries ago, are they?—I am not aware.

4251. Mr. *E. Denison.*] When the sub-lessee made his original contract with the lessee, the best that he could have expected would have been by a process of renewal to be kept continually in possession of the property, subject to certain payments; is it not so?—Subject to certain payments.

4252. Then if something is to be done which is to put him into the fee simple possession of this property, do you think that it would be equitable totally to put aside the interest of the original lessee?—I am of opinon, upon very full consideration, that equity only requires that the lessee should continue in receipt of his rent in accordance with the covenants up to the expiration of the existing lease.

4253. *Chairman.*] You leave the lessee therefore to his strict legal right?—Yes; the foundation of my argument is, that the outlay is the consideration for these words, "due regard," &c.

4254. Mr. *E. Denison.*] The sub-lessee has made this outlay under certain contracts, and with the conviction that if he was to continue in the possession of the property, he would always have to make certain payments?—Yes.

4255. Then I ask you, if the intervention of Parliament is to take place to put him into a better position than he could be put in otherwise, do you think in equity that it should be done totally regardless of the interest of the lessee?—If you will allow me, I must take exception to the theory that he is placed in a better condition, because, at all events, by the clauses which have been prepared, and which are contained in Mr. Paynter's evidence, as suggested for additional legislation upon this subject, he would remain liable not only to the rent but to the covenants

covenants of his lease, such as for insurance and for repairs, after he had actually paid for the reversion; after he had paid his contribution.

4256. You assume that the sub-lessee is to have the power of enfranchisement irrespective of the interests of the first lessee; therefore that is a different state of things from the one which you are now speaking of?—I would put it in this point of view. By the course of legislation a certain benefit is to be given to the holders of land under the Church; those are of two classes, the lessees and the sub-lessees; and in my opinion the sub-lessees have a better claim to that advantage than the lessees, who as far as the expenditure in the matter is concerned have been mere drones.

4257. The sub-lessees may have a superior claim; but are they to have the sole claim, and is their benefit to be derived at the loss of the other party?—No. What I contend for would inflict no loss upon the lessee, and upon this ground, that the lessee has no covenant for renewal.

4258. Mr. *Wilkinson.*] Is not the sub-lessee called upon, in the case of a reversion, to pay for the purchase of that reversion?—Yes.

4259. And of course the value of all the additional outlay that he has made?—Yes.

4260. Then it is because of that that you consider that he is entitled to the benefit?— Yes.

4261. You think, therefore, that the lessee is entitled to nothing more, if I understand you rightly, than the benefits of his existing lease?—I think so.

4262. Mr. *Mowbray.*] What you are now suggesting would be a complete departure from the spirit of the Act of Parliament already existing on the subject, would it not?—I think not, from the spirit of the Act of Parliament; because I found my argument upon the words which are used in the recommendation of the Lords' Committee, and in the first clause of the Act.

4263. Setting aside for the moment the words of the recommendation of the Lords' Committee, let me ask you to look at the preamble of the Act of Parliament, that "it would tend to the improvement of episcopal and capitular estates," and so on, "if facilities were given for such dealings as hereinafter-mentioned between ecclesiastical corporations and their lessees." Do not the words of the preamble restrict the Act to dealings between corporations and their lessees?—Yes; and the word "lessee" is interpreted in the interpretation clause. Any assignee of the entire interest would be included in that word, but not the sub-lessee, though practically he may possess just as much interest as the lessee, as in my case. My interest must necessarily be co-extensive with that of the lessee, but technically, mine, as a sub-lease, being a leasehold interest when the original lessee has a freehold interest for lives, I am precluded from the benefit which I should otherwise have.

4264. The Legislature confines it to lessees, that is to say, persons between whom and the corporation there is a privity of contract?—No; there is no privity of contract in any case *quoad* renewal; there is no contract with the Church for renewal.

4265. Is not the position of a lessee different from that of a sub-lessee, inasmuch as there are relations between the lessee and the corporation, whereas, as regards the sub-lessee he is an entire stranger to the corporation whose property he is holding?—Yes, technically, but not practically, I think.

4266. There are no covenants between the corporation and the sub-lessee?—No.

4267. You, as holding under the Bishop of Rochester, have entered into no covenants with the Bishop of Rochester?—No.

4268. Then if the corporation was to be authorised to sell the reversion to the sub-lessee, who is a stranger to it, would not the effect be that it would be impossible at any future time to enfranchise the property to its own lessee?—Yes, if the sub-lessee should become the purchaser of the reversion.

4269. Would not that be contrary to the spirit of the Act of Parliament?—It would be contrary to the letter of the existing Acts of Parliament. Those clauses were avowedly prepared by lessees; the third clause regulating this matter was avowedly prepared by lessees.

4270. If the legislation on the subject is changed, and power is given as you propose to sub-lessees, passing over the lessees, the lease must be allowed to run out in order to enable them to purchase?—Not at all. I would propose that the rent should still remain during the existence of the lease, and be apportioned if necessary.

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4271. What would you propose should take place at the end of the lease?—At the expiration of the lives the property would belong to the sub-lessee who had purchased the reversion.

4272. That is to say, the lessee, who had entered into covenants with the ecclesiastical corporation, would be deprived of all the benefit of his lease, the intention of Parliament having been to continue that benefit, and the sub-lessee would enter into the entire possession?—Yes, upon the ground that he is the party who has made the entire outlay upon the property, and has actually created the value of the reversion to the Church.

4273. Are you aware that in any existing Act of Parliament there has been such an arrangement made by which an ecclesiastical corporation has been expressly enabled to run out the leases of its own lessees for the benefit of strangers?—I apprehend that this is the only legislation which has taken place upon the subject; but it is the fact of that legislation having taken place, and having taken away the prospect of renewal, which raises this question.

4274. All your interest is derived from the covenants which have existed between you and your landlord?—Yes, those covenants being for the immediate transmission of his estate, whenever he renews.

4275. You, being bound to pay the fine whenever there is a renewal of the lease, and to accept leases in perpetuity?—Yes.

4276. Is it not entirely through such covenants between you and the lessee, your landlord, that you have enjoyed the premises which you hold?—It is through those covenants; but I should not have made the outlay but for the expectation of constant renewal. It was not compulsory on the part of the bishop, but it was founded upon the certainty that he would not sacrifice his own interests, and run his life against my young lives.

4277. What right do you think the ecclesiastical corporation, or the Commissioners as representing it, would have to interfere between you and your landlord, the lessee, in the covenants which have been made between you?—I do not propose that they should interfere in the slightest degree with those covenants. Those covenants are only, that in the event of the lessee obtaining a renewal of the lease he shall grant me a renewal of the lease, but if I purchase the reversion, (or supposing it is an open question that the Commissioners have authority to go into the market and sell the reversion to any stranger); if a stranger purchases this reversion, the lessee may come and ask him for a renewal at the expiration of his term, but he will not obtain it.

4278. Would not such a change as you propose entirely alter the existing relations between lessee and sub-lessee?—No; they would remain exactly the same during the existence of the term under the lease.

4279. During the existence of the term they would be the same, but at the close of the term the position would be this; that instead of your landlord receiving any rent from those premises, you would continue to hold those premises without paying any rent to the landlord?—Yes; having purchased the reversion.

4280. Of a corporation who is a stranger to you?—I think that too much stress has been laid upon the fact of privity of estate not existing, because, practically, that privity of estate does exist between the sub-lessee and the Church. I think, if we avoid technicality, we cannot but see that the party who has made a large outlay upon the property is in some sort of relation to the owner of that property.

4281. But the result is, that the arrangement which you propose would be a departure from the spirit of existing legislation, and would be to interfere compulsorily between you and the person of whom you hold, and from whom you derive any benefit?—I cannot at all coincide in that, because I think, in reading the examination before the Lords' Committee, that the general intention was to include the sub-lessees in the benefits created, from which now I conceive they are excluded. There are several grievances to sub-lessees under the existing law, to which I should be anxious to call the attention of the Committee.

4282. Do you think that it was the intention of Parliament to include the sub-lessees, having reference to the preamble and to the first section of the Act?—I stated at the commencement of my evidence, that it appeared to me their exclusion was an inadvertence.

4283. Marquis of *Blandford.*] I think you stated that the profit which the sub-lessee

sub-lessee will derive from the outlay he has made upon his property depends upon the renewal by the lessee?—Yes.

4284. If the sub-lessee enfranchises, you propose that the lessee's interest in that property shall terminate with his lease?—Yes.

4285. That would have virtually the effect of preventing a renewal of the lease by the lessee?—Yes.

4286. Do you think it is equitable and fair that that should be brought to a termination upon which the whole interest of the sub-lessee has depended, by that sub-lessee obtaining the possession of the property himself?—Yes; he would pay for it.

4287. But do you think that it is fair to the lessee that that arrangement upon the existence and permanence of which the sub-lessee has been enabled to derive his own benefit from the property, should be brought to a termination by the sub-lessee obtaining the fee-simple of the property himself?—I can see no unfairness in it.

4288. Though the lessee has up to that moment had a beneficial interest in that lease?—True he has so, but I consider that it is gratuitous; there is no consideration for that benefit.

4289. Do you not consider that a lessee entering into an arrangement with a corporation to take a portion of land or houses on lease is a speculation?—It may be so or not.

4290. He lays out a certain sum of money in the hope of deriving a remuneration from it, does he not?—In my own case it is not so, but probably in many cases it is so.

4291. I am speaking of the lessee?—In my own case it was a family arrangement.

4292. If the lessee takes land or houses from a corporation, is it not a transaction in the light of a speculation?—Probably it is, in many instances.

4293. Does not the success of that speculation depend upon his finding a sub-lessee to whom he may let that property?—Yes.

4294. Then do you consider it equitable and fair that that success having been obtained, his having found a sub-lessee who should remunerate him for his outlay, that very circumstance should be that which should deprive him of the property for which he is expecting a remuneration?—The outlay being the rent, I presume?

4295. His outlay is the fine which he has paid in the first instance. Do you consider it fair that the success of his speculation, which is that he is enabled to find a sub-lessee to whom he may let his property, should be the means of depriving him of that property?—I have not turned my attention to that view of the case. In my own instance there was no consideration for the original lease; it was a family arrangement by virtue of which the bishop at that period granted a lease to trustees for the family at a nominal rent.

4296. Is it not a fair view of the question to take, that the lessee, letting the property to a sub-lessee, obtains, in fact, the success of his speculation in taking the property?—Yes.

4297. Then that sub-lessee, by enfranchising the property, would deprive him of that very property?—Yes.

4298. Do you consider that an equitable arrangement?—To the extent of his outlay, according to the principle which I have endeavoured to lay down, the lessee, I apprehend, would be entitled to consideration; outlay, as I have said from the beginning, being the consideration for this benefit.

4299. Do you conceive that it is a consideration for which the lessee should be entitled to a permanent rent-charge upon enfranchisement to the sub-lessee?—No; I think that that is giving him more than his fair proportion of it, and there are several reasons for that.

4300. What are your reasons?—For instance, to begin with, I should be then paying the purchase-money for the enfranchisement, and yet remain subject to the lessee's rent, while he would cease to pay a rent to the bishop as a consideration for the money which I laid out.

4301. Supposing that the lessee and the sub-lessee are both anxious to enfranchise, who do you think is entitled to the preference?—I think the sub-lessee, on the ground of his having laid out his money upon the property.

4302. Mr. *Wilkinson.*] Do you not mean to say that the lessee having leased his property to a sub-tenant, and that tenant having made an outlay upon it which

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has rendered it valuable, and then purchasing the reversion, the lessee is merely in the position of the receiver of a rentcharge during the term of his lease?—That is my view.

4303. Mr. *J. A. Smith.*] Do you consider the long-continued practice of renewal of any value?—I do.

4304. In whom is that renewal vested?—The Bishop, or the Ecclesiastical Corporation.

4305. To the lessee, or to the sub-lessse?—The lessee.

4306. What consideration do you propose to give him for that long-continued practice of renewal?—I say that there is no reason why the Church should not have the entire value of their reversion, except the reason that they have to consider the interests of those who have laid out money upon the property. That I take to be the principle, otherwise I do not know why the Church should sacrifice any portion of the value of their reversion.

4307. Mr. *Ingham.*] Then you consider that recent outlay is equivalent to long-continued practice. The Act says, that the parties are to be compensated for the long-continued practice in the matter?—Yes.

4308. Applying to some ancient permanent usage?—Yes.

4309. And you say that that is equivalent to recent outlay; that the consideration to be given is to be for a recent outlay, and not for the long-continued practice for the lessee's benefit?—There may be a series of sub-lessees whose interests are quite distinct from those of the lessees themselves, and have been acquired by purchase from time to time. There may have been a house built in the year 1700, which has been the subject of ecclesiastical leases from time to time, upon which a fixed rent has been paid to the lessee originally, which has been transmitted from sub-lessee to sub-lessee by purchase, from time to time, ever since that period.

4310. What do you think was the inducement for the sub-lessee originally to build that house; he must have been satisfied with the terms proposed to him by the lessee?—He was satisfied that it would be the interest of the bishop for the time being to renew as often as occasion arose, otherwise he would not have made the outlay.

4311. He must have been satisfied that the lessee would renew also?—Precisely, because it was his direct interest to get the rentcharge upon his property.

4312. Speaking of your own case the arrangement was, that you should pay the rentcharge as well as your *quota* of the fine?—Yes.

4313. And now you think it would be fair that you should enfranchise yourself instead of paying continued successive fines?—Yes; because there is no reason why I should not pay the Church the same price for the land, free of rentcharge, which the lessee would have me pay through him subject to the rentcharge.

4314. When the Church fixes its fine it does not consider the rentcharge?—No; it considers the actual value of the property.

4315. At present the Church receives the full fine without any consideration of the rentcharge which you pay to the lessee?—Yes.

4316. The payment of the consideration for enfranchisement is like paying at once in the aggregate instead of paying fines in perpetuity?—Yes.

4317. Then if you by one payment release yourself from paying your proportion of the fines, why should you be further released from paying the rentcharge to which you are at present subject?—Because I am compelled to raise the money for the purpose of paying this aggregate amount or to forfeit my lease.

4318. At present you have to raise your quota of each fine and the rentcharge?—The lessee would lose that rentcharge at the end of the term, but I have assumed throughout that that rentcharge is in the nature of a gratuity to the lessee, because no consideration is given for it in the shape of outlay.

4319. But it is a gratuity which you have covenanted to pay him?—Yes, so long as that lease lasts.

4320. Then, if the lessee is to have his enjoyment terminated, should not the same cause terminate your enjoyment; should it not be equal law to both?—Yes, if I did not in the meantime become the purchaser of the reversion. My point is, that I believe that I should have the preference given to me in buying the reversion, on the ground that I have made the outlay, and not the lessee.

4321. The third clause to which you have already referred, says that if the

lessee

lessee enfranchises, he shall be bound by all equities with his sub-lessee to which he is at present liable?—Yes.

4322. Then if you should enfranchise, why should you not be bound to pay him the rentcharge as now?—So I should, during the remainder of my lease.

4323. It is not during the remainder of the lease, but in perpetuity; you do not read this third clause as implying an obligation upon the lessee only to consider the sub-lessee during the pendency of the existing lease, but as far as it is applicable he is to consider his interest in perpetuity?—I think it only applies to the sub-lessee's rights.

4324. That he is to consider the interests and equities of the sub-lessees attaching to the perpetuity in the same way as to the original term?—I think you will find that it does not apply to covenants from the sub-lessees to the lessees, but to those from the lessees to the sub-lessees.

4325. But ought it not to do so by parity of justice?—If you, the sub-lessee, enfranchise the property, should not your freehold which you have got be subject to the same payment to the lessee that you make, and that you would be compelled to make in perpetuity if the present system existed?—I am not of that opinion upon the best consideration which I have given to it.

4326. *Chairman.*] Put the other case. Suppose that the lessee enfranchises the property, you lose that right of renewal which you now have in case the lessee renews, do you not?—Yes. I take some interest, whatever it is, under this third clause. What the nature of that interest is I do not know.

4327. Therefore you cannot tell what your position then would be. Would it be that the lessee might allow the lease to run out, and let the land afterwards to other parties?—It must either be so, or I apprehend no other interpretation could be arrived at without the intervention of a Chancery suit to settle the meaning of the clause.

4328. Mr. *J. A Smith.*] Have you ever taken any opinion as to your rights under that third clause?—No; I am a solicitor myself.

4329. Mr. *Mowbray.*] Have you any one holding under you?—Only one holding a lease. As to persons holding under me I should then not assume to be a sub-lessee. I do not think that a person in that position should assume the position of a sub-lessee at all. He would practically be in the position of a lessee.

4330. Do you think that any one holding under you should have the power of enacting the law by which the arrangement should be made between your tenant and the Corporation?—Yes. If I had sold the houses which I had built and paid for to another person, I should consider, certainly, that he was entitled to my position, on the ground that he had made the outlay.

4331. Mr. *Wilkinson.*] What you contend for generally, as I understand, is, that what property does not belong to the Church belongs to the sub-lessee, or the party under him, and that if a termination is put to the lease by the purchaser of the reversion, that property should then vest in the sub-lessee who has made the outlay. It is presumed, of course, that the lessee has let this property at an improved rent?—Yes.

4332. He would lose, therefore, that improved rent at the termination of his lease?—Yes.

4333. And that you think he ought to lose because he has made no outlay upon it?—Yes; not that he ought to lose it, but that there would be no injustice in it.

4334. Is there any other injustice which you think the sub-lessee is subjected to in the present state of things; for instance, as regards keeping up the covenants of the lease?—Yes, I think that would be a hardship.

4335. Will you state what the nature of that hardship is?—Under the existing law the covenants of the lease, such as repairs and insurance, would remain, and the sub-lessee, although he had paid the purchase-money for the reversion through the lessee, would remain liable to have his estate forfeited for non-repair of houses which practically he has in perpetuity, for which he has paid the fee simple price. Now, if the rent given is a perpetual rentcharge in lieu of a rent till the end of the term, I think that the covenants of the lease should be confined by the Legislature to the payment of the rent, and that other covenants, such as keeping up insurances, and preventing a man doing as he likes with the property which he has paid for, should not be enforced.

4336. Mr. *Mowbray.*] If the premises were not kept up, would it be possible to obtain the rent?—Practically I think no difficulty would arise on that score,

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because generally the reserved rents are so far below the actual value of the property that I do not think any evil would arise practically on that ground. The covenant would remain; there would be the personal liability of the person in possession, and there would be the power of distress; all those remedies would remain; but I think it would be unjust that the person who should have purchased the fee simple of the property should be liable to be evicted for non-repair and non-insurance of the property, which could not affect the landlord in any way except as to the payment of the rent.

4337. Supposing the house was burnt down or fell into decay, what security would there be for the rent; would there be anything beyond the personal security?—The personal security, and the further necessity which would exist for the sub-lessee to reinstate the property in order to make it available to pay himself; there would be the site of the property, which it is not likely would be left to waste.

4338. The value of the personal security must depend upon the means of the person?—That is so. I think the cases would be very few in which that difficulty would arise; and it would be far less than to counterbalance the injustice of rendering the whole of the property liable to those covenants.

4339. Mr. *Wilkinson.*] Did you hear Mr. Dunning's evidence the other day?—I think not. I observe that in the clauses which Mr. Paynter proposed to insert in any legislation which should take place, those covenants are pointedly reserved. The first clause which he proposes for that purpose is a suggested amendment of the third clause of the existing Act. He states, referring to the third clause, "This clause is not full enough; the clause, as it now stands, makes the interest of the lessee acquired under this Act, that is, if he purchases the fee, subject to any incumbrances which would have attached to the new leases of the lessee in perpetuity, if he acquired them; but it does not make the interest which the sub-lessee would acquire under the Act subject to the same incumbrances." Then the clause itself which he proposes states that the property shall remain "subject to the same trusts, charges, and incumbrances;" and these words are inserted, "and to the same or the like annual rent, and to the same or the like covenants as the estate or interest under his sub-lease, or any lease obtained upon a renewal thereof, would have been subject to if renewals continued to be granted. That, if inserted, would perpetuate the injustice of which I complain. It is the same with reference to the other clause.

4340. *Chairman.*] Do you wish to make any further statement?—I wish to speak with reference to the point that the lessee has no interest in making a provident bargain on behalf of the sub-lessee, which I think is rather a strong point in the case; my own case is remarkably strongly in point, because some of the houses and buildings on my property are constructed purposely with a view to avoid the payment of fines, so that they might be removed at the end of the term, and they therefore should not have been taken into consideration in considering the annual value of the property comprised in the lease. On that I had a very high legal opinion at the time; the lessee however went behind my back, and made his own bargain with the bishop, and the bishop's valuer put a value upon the rental of the whole of my property, and so it would be or might be in the event of the purchase of the reversion by the lessee. If I agreed with the Commissioners to purchase the reversion, I should immediately set to work to have those buildings, which are now removable by me as the tenant, excluded from consideration in the reversion; not so the lessee, who has no interest whatever in guarding the amount paid by me, because he comes to me for my proportion, and if I refuse to pay, he says "Very well, I will run the lease out."

4341. Mr. *E. Denison.*] Upon the calculation of what sort of duration were these houses which you speak of built?—They are small houses; probably calculated for not more than 40 years.

4342. Mr. *Mowbray.*] Am I to understand that the outlay upon the strength of which you claim that Parliament should interfere with the course of legislation is an outlay not likely to be beneficial to your landlord at the end of the term?—Yes, that is as to part of it.

4343. An outlay so arranged as to be beneficial to yourself during the term, but to be of no value to the landlord under whom you hold at the end of the term?—That is my particular case; I am representing here what I consider to be the interests of sub-lessees generally upon church property.

4344. Do you consider that such an outlay calls for the interference of Parliament between the corporations and those who hold the property under them?—I do

—I do not see why it should interfere with any claim which might otherwise exist. Mr. *R. Latter.*

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4345. Mr. *Wilkinson.*] I apprehend you are not bound to make any outlay at all?—No.

4346. Mr. *Mowbray.*] But the whole of your argument has been founded upon the outlay which you have made?—Yes.

4347. And your outlay appears to have been of that prudential character, only to benefit yourself and to give no benefit to those coming after you, supposing the relation between yourself and your landlord to be terminated?—It may be so in my case, but not in others.

4348. Marquis of *Blandford.*] Do not you think that your example has been followed by many of the sub-lessees from those prudential considerations by which you have been influenced?—It may be so; I do not know much of church property.

4349. I thought you said that you represented generally the interest of the sub-lessees?—I appear here to represent the interests of the sub-lessees, as against what I consider the unfair advantage possessed by the lessees under the present legislation.

4350. You are not aware of any other instance where that has been done?—No; there may be a very few such buildings on this property of the See of Rochester; for instance, the gas company's plant and machinery, I believe, may be removed.

4351. *Chairman.*] Do you consider that the uncertainty of the tenure which the lessees and the sub-lessees have under the Church, is a public evil?—I think it would be very desirable for the interests, both of the Church and of the persons holding under it, if the interests were consolidated. I think there is a great deal of dormant value lost between the two interests. There is another great hardship on the sub-lessees if the present state of things continue; if they are called upon to pay a proportion of the enfranchisement agreed to by the lessee, because the sub-lessees as a body must be considered less a monied interest than the lessees. If they have to go into the market to raise money for the purpose of paying for this reversion, the difficulty of doing so when they have only practically a leasehold interest subject to be forfeited for non-repairs, non-insurance, non-payment of rent, and other things, will be very great; whereas, if they had the power of dealing directly with the Commissioners, and of purchasing the freehold interests themselves, there would be no difficulty whatever in raising so small a proportion of the total value of the fee-simple as the reversion represents.

4352. Mr. *J. A. Smith.*] In reference to that improvident bargain, which you asserted might be made by the lessee to the injury of the interest of the sub-lessee, surely that was all foreseen when you made your original bargain; your eyes were open to all those contingencies then just as much as now?—Yes, with respect to fines.

Thomas Beachcroft, Esq., called in; and Examined.

4353. *Chairman.*] YOU are Secretary to the Church Building Commission?—I am. *T. Beachcroft*, Esq.

4354. Of whom does the Church Building Commission consist; who are the members of the Commission?—The Archbishop of Canterbury for the time being, the Archbishop of York for the time being, the Bishop of London for the time being, the Bishop of Winchester for the time being, the Bishop of Lincoln for the time being, the Bishop of Lichfield for the time being, the Bishop of Chester for the time being, the Bishop of Ripon for the time being, the Archdeacons of London and Middlesex for the time being, the Deans of St. Paul's and Westminster for the time being, the Principal of King's College for the time being, the Lord High Chancellor of Great Britain, the Lord President of the Council, the Speaker of the House of Commons, the Secretary of State for the Home Department, the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, the First Commissioner of the Treasury, the First Commissioner of the Woods and Forests, the Master of the Faculties, the Dean of the Arches, the Judge of the Consistory Court, all for the time being; Henry Bishop of Worcester, Thomas Bishop of Ely; Archdeacon Harrison, the Earl of Harrowby,

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and the Right honourable William Ewart Gladstone; the same comprising 29 Commissioners, of whom 11 are Ministers of State or Judges, leaving 18 as attending members.

4355. How often do the Board of Commissioners meet?—On the second and fourth Tuesdays in each month, except during the recess.

4356. How many Commissioners usually attend those meetings?—Before Parliament meets, from five to seven; but during the Session of Parliament the attendances are more numerous; I should say from seven to nine or ten.

4357. Are they usually the same persons who attend?—Generally speaking: the two Archbishops when in town, the Bishop of London, the Bishop of Winchester, the Bishop of Worcester, the Bishop of Lichfield; the Archdeacons of London and Middlesex, Archdeacon Harrison, and the Principal of King's College; and also, so long as his health permitted it, the Bishop of Ely, were constant in their attendance; as were the Earl of Harrowby and the Dean of St. Paul's occasionally.

4358. Were there any of the lay members of the Board constantly attending?—Since the decease of Mr. Joshua Watson and Lord Bexley, and Sir Robert Inglis, but few lay members have attended; in fact, the only lay members at present existing are the Earl of Harrowby and the Right honourable Mr. Gladstone; the others are all ecclesiastical.

4359. I observe that you gave evidence before a Committee of this House a few weeks ago, on the formation of parishes, and you then stated the nature of the business which came before the Commissioners, and the different modes in which parishes and district parishes and chapelries were formed; do you adhere to that evidence?—I do.

4360. This Committee has been desired to inquire into the expediency of consolidating the Church Building Commission with the Ecclesiastical Commission; have you any observations to make upon that subject?—That is a very important question for an humble individual like myself to answer. I have a copy of a report before me, which was sent to Her Majesty's Secretary of State for the Home Department, which, if the Committee would give me leave, I will read.

4361. The Committee are in possession of that report; you need not read the whole of that report, but you may refer to what you consider the principal points which require the attention of the Committee?—The Commissioners hope that it will be the pleasure of Parliament to retain the powers of the Church Building Acts entire, and that if the jurisdiction is to be transferred to another tribunal, the whole of the Acts may be transferred bodily.

4362. On what grounds do the Commissioners think that the same body should continue in possession of the powers they now have?—The Acts have been found to work beneficially for the Church. The Board still consider that they are doing so with all their anomalies, and that they may still be continued with advantage to the Church.

4363. Supposing the powers not to be in any way altered, do you not think it very possible for another body, such as the Ecclesiastical Commission, to exercise those powers?—It may be so.

4364. Is the time occupied by the secretary in carrying into effect the orders of the Commissioners very considerable?—His time is entirely occupied.

4365. What is the general expense of the Church Building Commission; what is the staff of officers employed?—It consists of a secretary, a surveyor, a chief clerk, a clerk of accounts, a clerk of the papers, a copying clerk, an extra copying clerk, an office-keeper, and a messenger.

4366. What is the total expense?—The total expense, presented to the House of Commons, for the year ending on the 25th of March 1856, was 3,388 *l.* 9 *s.*, including 380 *l.* 18 *s.* 8 *d.* for law expenses.

4367. Is that sum defrayed by vote of the House of Commons?—It is paid out of the Consolidated Fund.

4368. Are there any sums derived from the Church revenues?—None whatever; the expenses of the Commission are entirely defrayed by annual grants out of the Consolidated Fund. I have a summary of the expenditure from the commencement of the Commission in 1818, which averages 3,568 *l.* 7 *s.* 5 *d.* a year, for the 38 years.

4369. Marquis of *Blandford.*] You spoke of the desire expressed by the Commissioners that the Acts should be retained entire, because they have been so beneficial; in what way do the Commissioners think that the Acts have been

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so beneficial?—They have been found to work practically for the benefit of the Church. The Commissioners now have the experience of 38 years. *T. Beachcroft*, Esq. 20 May 1856.

4370. How have you arrived at that estimate that they have worked for the benefit of the Church?—They have given general satisfaction to the clergy.

4371. Is there not any other commission which could have executed the same powers in a different way?—The Ecclesiastial Commission has no analogous power to that of the Church Building Commission, with the exception of the assignment of districts under the Act called "Sir Robert Peel's Act."

4372. So that, in fact, the Church Building Commissioners are the only body who could exercise powers for the sub-division of the country?—For the sub-division of parishes and for the general ecclesiastical polity (if the Committee will allow the phrase), with regard to new churches.

4373. Therefore, in fact, the Church had no option but to make use of the Acts which are under the administration of the Church Building Commissioners?—For a church to be built, and to become part and parcel of the Establishment, it was necessary to proceed under the Church Building Acts, the 58th of Geo. 3, c. 45, having virtually superseded, although not actually, the previous Acts extant.

4374. Is it admitted that there are some anomalies in those Acts?—There are anomalies and contradictions in them, but they have been found to work.

4375. Is it the opinion of the Commissioners that, notwithstanding those anomalies, the Acts should be either retained or transferred over to another body entire?—It is the hope of the Commissioners that if the jurisdiction is to be transferred, the Acts themselves may be transferred entire to the new body which is to exercise the powers contained in them.

4376. Is it considered, in making the different divisions of parishes, that it is an advantage to keep up and distinguishing titles of the different descriptions of districts which are formed under those Acts, such as consolidated chapelries, district chapelries, district parishes, and particular districts?—The Church Building Acts apply to church extension, and the extension of the parochial system. The first Act commenced by a division into separate and distinct parishes, and by the formation of a perpetual curacy, which did not come into full effect until the first avoidance of the living. The second Act of the 59th Geo. 3, provided for the assignment of a consolidated district taken out of two or more parishes, and also for the assignment of a particular district to a chapel of ease, the latter served by a licensed stipendiary curate. Those stipendiary curacies were subsequently made benefices, and therefore there really are three modes of forming a perpetual curacy in the Church Building Acts; in fact, there is a fourth mode under the Private Patronage Act of the 1st & 2d of Will. 4, c. 38.

4377. *Chairman.*] Do you see any difficulty in reducing those Acts to greater simplicity, and having separate parishes in every case where there is a sub-division?—I think that they might be simplified if one extended mode of forming a perpetual curacy were enacted, and Acts were passed for forming it out of two or more parishes, as it certainly appears that the 21st section of the 58th of Geo. 3, and the 16th section of the 59th of Geo. 3, now that they both provide for the formation of perpetual curacies, are not necessary; there is, however, a difference with regard to the patronage, and also the liability to repair. In the case of a district parish the patron of the mother church, after the first avoidance, becomes the patron of the new church and perpetual curacy, and that church would for 20 years maintain itself and contribute also to the general church rate of the parish, after which it would be exonerated, but which enactment does not apply to the church of a district chapelry; the patronage of which remains where it was at the time the district was assigned, and the liability to repair remains just where it was. From those two circumstances the chapelry district clause has been so much more popular than that relating to the district parish.

4378. Marquis of *Blandford.*] In order to assign a legal parochial district to an existing church, are not very simple powers requisite?—The powers are simple under the Church Building Acts; there is a different enactment for each mode; but these Acts have been passed from time to time, and the previous sections have not been altered or repealed.

4379. Then what do you conceive to be the advantage of retaining those different modes for the different descriptions of districts?—The only advantage is with regard to the patronage; the church of a consolidated chapelry being taken out of two or more parishes, the law provides by a separate enactment that the

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patronage shall be exercised in such manner as shall be agreed to by the patrons of the existing parishes out of which the district is taken; and another section provides that the majority of the patrons shall govern the minority.

4380. Then, in fact, the only circumstance which is to be provided for is the arrangement of the patronage, but with regard to assigning the territorial limits of a district there is clearly but one mode which is necessary to do it?—I think it may be accomplished; a perpetual curacy or perpetual curacies may be assigned in one mode with an extension of the powers; the repair of the church of a consolidated chapelry is not now provided for.

4381. Is it not the case that the Church Building Acts have grown up under the new requirements as they were discovered, occurring throughout a considerable course of years?—Certainly; from time to time enactments have been passed as the exigencies of the times required.

4382. Have we not now arrived at a period when experience has shown us that there is a simple mode of assigning a district to a church, or of constituting a district for a church?—I think certainly that there might be one mode of assigning a perpetual curacy, provided there were powers with regard to the vesting of the patronage; if the Commissioners, or the parties carrying into effect the Church Building Acts, were to have the power of determining as to the right of patronage, and also as to the liability to repairs, it might all be provided for by one enactment.

4383. Then in that case these various modes would be no longer requisite?—That would be the effect.

4384. And therefore the Acts need not be retained in their present complex form?—New enactments altogether must be made to meet the altered circumstances if there is to be but one mode of assigning a perpetual curacy; clauses must be inserted to meet the case where that perpetual curacy is to be formed out of two or more parishes, and where the patronage is to be vested in the patron of the mother church instead of the incumbent of the parish.

4385. Do you not know that at present the Ecclesiastical Commissioners by their Acts are enabled to form a district out of two or more parishes?—They are.

4386. Therefore that is an Act of a simple nature, by which they are enabled either to form a district out of one parish, or to form a district out of two or more parishes?—But under the Act, called Sir Robert Peel's Act, the Ecclesiastical Commissioners, I believe, give notice that it is their intention to form a district, and in consideration of an endowment of 150 *l.* a year, which they provide, they ride over all the vested interests which have been recognised and guarded by the Church Building Acts; all the vested interests of the patron and incumbent of the parish are most strictly recognised throughout the whole of the Church Building Acts, whereas Sir Robert Peel's Act, in consideration of an endowment of 150 *l.* a year, over-rides all those interests.

4387. Does not Sir Robert Peel's Act provide compensation to incumbents where there is a loss of fees in consequence of the formation of a new district?—During the existing incumbency, but I think not afterwards.

4388. Are there not cases under the Church Building Acts where, after the avoidance of the existing incumbent, all the fees revert to the church of the district which has been formed?—There are numerous cases of that sort.

4389. Is any compensation provided by the Church Building Commissioners in those cases?—Certainly not; the Commissioners have no funds for the purpose.

4390. Then, in fact, the Commissioners in that respect are similarly situated to the Ecclesiastical Commissioners under their Acts?—Certainly.

4391. *Chairman.*] Do you foresee any greater difficulty than there has been with respect to patronage, supposing according to the question which has been put to you, parishes were to be divided?—I think it may be provided for by new enactments.

4392. Mr. *Mowbray.*] Is not the state of the law with respect to the formation of new parishes considered to be very unsatisfactory?—It is considered to be complicated from the numerous modes of division which are contained in the existing Acts.

4393. Do you think it is safe to give a decided opinion upon it?—I think not.

4394. Have not cases arisen within your knowledge, where there has been a mistake in the constitution of a district?—I am aware of one case where there

there was an error in the constitution of a district, and where it was necessary to apply for an Act of Parliament to rectify it.

4395. What case was that?—I think it was in the case of Stockport.

4396. *Chairman.*] Is there any case now existing in which there is a difficulty?—Not that I am aware of.

4397. Marquis of *Blandford.*] Are you at all aware of the case of Christ Church, West Hartlepool?—I am.

4398. Will you state under what Act a district has been assigned to that church?—No district has been assigned to it legally: it was a case of documentary evidence laid before the Church Commissioners; it was commenced and proceeded with by the bishop of the diocese, under the 2d section of the 1st and 2d Will. 4, which was repealed by the 14th and 15th Vict., several years after his sole jurisdiction had ceased. A case was laid before two civilians, and also before Mr. Bellenden Ker, the Board's counsel, as to whether the assignment and the proceedings under that section were good; they were pronounced to be bad, and the Church Commissioners in accordance with the application made to them, assented to the patronage being vested in Mr. Ward Jackson, who contributed largely towards the erection of that church, with a view to a district being assigned to it hereafter, under the 16th section of the 59th Geo. 3, for the purpose of validating marriages and the proceedings in that case.

4399. Did the Commissioners have before them the Order in Council by which a district was assigned to that church in the first instance by the bishop's authority?—There was no Order in Council; it was done by an instrument.

4400. Did the Commissioners have a copy of that instrument before them?—I think not.

4401. Are you aware that in that instrument a certain sum is stated, as being the sum which the church cost?—I am aware from letters which have passed upon the subject that such is the case; the figures are disputed.

4402. Does not the 1st and 2d of Will. 4 require, that the person in whom the patronage of the church is vested, shall have contributed two-thirds to its erection?—No, not that I am aware of. A church may be built under that Act by subscription, and the patronage be declared as the major part in value of subscribers of 50 *l.*, and upwards, may determine.

4403. Is there no proportion mentioned in that Act which is requisite before the patronage is vested in any single person?—Not that I am aware of.

4404. In any subsequent Act is it mentioned?—Not that I am aware of.

4405. Then what led the Commissioners to assign the patronage to the individual of whom you are speaking?—The Commissioners only authorised the patron and incumbent, namely, Sir Matthew White Ridley and his brother, to assign the patronage by an instrument under the 15th section of the 3d Geo. 4, to Mr. Ward Jackson. The Church Commissioners merely authorised the patron and incumbent of Stranton to surrender the patronage to Mr. Ward Jackson, with their sanction, and also the sanction of the bishop of the diocese.

4406. Were the Commissioners aware that by a previous instrument the patronage of that church had been vested in five trustees?—They were.

4407. And that that patronage had been exercised by the trustees?—They had the advice of counsel that all the proceedings in the case were bad *ab initio*, in consequence of its having been dealt with by the bishop, under the 2d section of the 1st & 2d of Will. 4, three years after his lordship's jurisdiction had ceased.

4408. What evidence did the Commissioners take as to the amount of the sum which was stated to have been contributed by Mr. Jackson, and in consequence of which they permitted the patronage to be vested in him?—Letters were laid before them by the solicitors and embodied in the case laid before two civilians and Mr. Bellenden Ker.

4409. What letters were those which you allude to?—They were from Messrs. Bell & Company, solicitors. Several letters have been received since from the Reverend Mr. Fox, and some other gentleman, whose name I forget.

4410. Did not those representations to which you allude, as to the amount contributed by this individual in whom the patronage was vested, proceed from persons who were immediately connected with that individual?—Messrs. Bell & Company, I believe, were the solicitors of Mr. Ward Jackson, but the Board acted upon the advice of counsel, that all the proceedings in the matter were null and void.

4411. What I want to ascertain from you is this: whether the Commissioners

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were not aware that there was a considerable discrepancy between the amount stated to have been contributed by Mr. Jackson in the second instance, and what was stated to have been the cost of the church in the first instance?—I know that that has transpired, but whether it was before or after the Board consented to the patronage being surrendered I cannot say; I know that it has been represented to the Board either before or after the surrender.

4412. *Chairman.*] Do you believe that to be the fact?—It certainly was represented either before or after the Board assented to the surrender, but I cannot tax my memory whether it was before or after. The case was laid before counsel, and upon that case the Board acted, in consequence of two learned civilians and Mr. Bellenden Ker, the Board's counsel, having advised that everything which had been hitherto done was null and void.

4413. Marquis of *Blandford.*] Did the Board take any steps to ascertain the truth of the representations with regard to the amount contributed by Mr. Jackson?—They did not think it necessary so to do.

4414. At the time when they made this transfer or assignment of patronage, were they or were they not aware of the discrepancy which was afterwards said to have existed?—I cannot say; I am perfectly aware that either before or after the surrender of the patronage, the discrepancy was stated to them, but whether it was before or afterwards I cannot say.

4415. Supposing it had been stated to them before, can you conceive that the Board, hearing that there was a discrepancy between the accounts, would take no steps to inquire into the accuracy of the subsequent statement?—The jurisdiction did not turn upon that point.

4416. Does not the discretion of the Commissioners consist in their considering as to whether a sufficient amount has been given towards the erection of the church to enable them to assign the patronage?—Perhaps the Committee will give me leave to read the section under which the surrender was authorised; it is sec. 15, 3 Geo. 4, c. 72: "And be it further enacted, that it shall be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, tenants for life or in tail, husbands, guardians, trustees and feoffees in trust, committees, executors and administrators, and all other persons and trustees whomsoever." "Not only for or on behalf of themselves, their heirs and successors, but also for and on behalf of *cestui que* trusts, whether infants, issue unborn, lunatics, idiots, femes covert, or other person or persons, and to and for all femes covert who are or shall be possessed of or entitled to or interested in their own right, and for every other person whomsoever who shall be possessed of or entitled to, or interested in any right of patronage, or of presentation or appointment to any benefice, donative, perpetual curacy, or of any spiritual person to any church or chapel, or the performance of any ecclesiastical duties in any church or chapel, or for the trustees of any endowments or emoluments for the use of any church or chapel, or the incumbent thereof or spiritual person serving the same, to surrender any such right of patronage, presentation or appointment, endowments or emoluments, or to enter into or make any agreement relating thereto with the said Commissioners and the bishop of the diocese, and to attach any contiguous division of any parish or place, with consent of the patron and incumbent of the parish or place, to any such chapel, for the purpose of better enabling the said Commissioners to convert any such church or chapel into the church or parochial chapel or chapel of ease of a district parish or chapelry, and to convert any chapelries or other divisions into districts or separate parishes, for ecclesiastical purposes; anything contained in any Act or Acts of Parliament, or in any deed or deeds, or any trusts relating thereto respectively, to the contrary notwithstanding."

4417. Did the Commissioners, in making this assignment of patronage, communicate with the bishop of the diocese?—I believe not; I should say that they did not.

4418. Are you aware that the bishop countersigned the deed, permitting this surrender of patronage, in ignorance of its contents?—I am not; I understand that his Lordship has signed one part of it, but not the second.

4419. Mr. *Ingham.*] Do you know why, when the Commissioners were called upon to assign the patronage, they made an independent nomination of the patron rather than adopt that which had been previously done by the bishop and the promoters of the chapelry?—The Commissioners acted upon the request laid before them, with the consent of the patron and incumbent. It was for the patron and incumbent to give their consent. Sir Matthew White Ridley

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was the patron, and his brother, I believe, was the incumbent of the parish, and they assented to the patronage being vested in Mr. Ward Jackson, who took a very active part in the erection of the church; and I believe there was a discussion with regard to the amount contributed, and the parties were at issue upon the subject.

4420. Marquis of *Blandford.*] Then the state of the case is this, that the Commissioners had before them the fact, that a previous instrument had vested the patronage in five trustees, that instrument having been issued by the bishop?—Certainly.

4421. That, in the face of that, they did not communicate with the bishop or with any of the five trustees in whom the patronage had been previously vested, before they proceeded to make a new assignment of the patronage altogether?—They did not communicate with the bishop or with the five trustees, having the opinion of counsel before them, that everything which had been done under the 1st & 2d of William the Fourth was null and void.

4422. Mr. *Mowbray.*] Does that include all marriages solemnized in the church; are they null and void?—The whole foundation is bad.

4423. Then they are void?—I fear so.

4424. Marquis of *Blandford.*] Has your counsel advised you upon that point?—I think it comes under the general terms, that everything which had gone before was null and void.

4425. Are you aware that upwards of 100 marriages have been performed in that church?—I am not aware of the number. I am aware that marriages have been performed, and one of the reasons for the Board acting as promptly as they did in the matter was to insure a legal district being assigned, in order that marriages for the future might be validated.

4426. Was it necessary that they should act equally promptly with regard to the assignment of the patronage?—The assignment of the patronage must precede the assignment of the district.

4427. Then how can the district have been assigned if the bishop has refused to sign the deed assigning the patronage?—I understand that the bishop has signed the deed, vesting the patronage in Mr. Jackson.

4428. Then he has not signed the deed assigning the district?—He has not, nor has any application yet been made to the Board to assign this district.

4429. Then in fact there is no district at present?—None, at present.

4430. You said that the Commissioners acted with such promptitude, in order that there might be no delay in assigning the district?—In order to facilitate and expedite the assignment of that district, the Board would have been ready to take into consideration any papers which might have been sent up to them; but none have yet been received.

4431. What is the date of the order assigning the patronage; is it not in April?—I cannot say.

4432. *Chairman.*] What is the date of the opinion to which you have referred?—I am speaking entirely from recollection; I had no idea of being called upon for any explanation; but, of course, the opinion and the whole of the papers can be produced if it is the wish of the Committee.

4433. Marquis of *Blandford.*] Have you received any communication from any of the previous trustees in whom the patronage was vested, complaining of the nature of the transaction?—The Rev. Mr. Fox and another clergyman whose name I cannot recollect have written complaining of the transaction, and of the want of courtesy on the part of Mr. Jackson, in not communicating with them upon the subject. I recollect the purport of those letters, but the date of them I cannot give.

4434. Will you lay before the Committee copies of all communications which have taken place upon the subject?—Certainly.

Vide Appendix, page 229.

4435. And a copy of the order of the Commissioners of the present year, assigning the patronage?—That shall be done.

4436. Have the Commissioners, under the knowledge that all previous acts performed in this district are illegal, at all considered what steps they should take in reference to the marriages which have been performed hitherto?—The Board have no power to make any order at all with regard to the marriages which have been hitherto performed, and the only way that they can assist the case, is by assigning a district in order that marriages which are performed for the future may be legal. I understood that it was the intention of Mr. Ward Jackson

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Jackson to apply for a private Act to validate the marriages which have been hitherto performed erroneously in that church.

4437. Are you aware of any other instances where districts have been assigned by the bishops to churches, which, in consequence of the repeal of that portion of the 1st and 2d of William the Fourth, are illegal?—No, but there is one other case very similarly circumstanced as regards marriages.

4438. Mr. *Mowbray.*] Is it the case that you are often compelled to resort to counsel for advice, before you can tell how to act?—Not generally. With regard to the solemnisation of marriages, in two Acts which have been passed there has been a clause in each to validate marriages which have taken place in error in churches where districts have been assigned. Many of the clergy suppose that marriages being ordered by the sentence of consecration, they are authorised to perform them, and they have solemnised them in consequence of those words in the sentence of consecration, but that is not a sufficient legal authority. Marriages must be ordered by an Order in Council, or under the Marriage Act; under which Marriage Act the bishop has sole jurisdiction.

4439. Marquis of *Blandford.*] Is that circumstance which you have just mentioned of frequent occurrence?—I am afraid very frequent.

4440. Is it not then in consequence of one of the features of the Church Building Acts, which do not permit marriages to be solemnised in certain churches that the clergy are led into those mistakes?—I think it is owing to the provision in the 19th section of the 3d of George the 4th, making the grant by the bishop of the diocese of a certificate for the performance of marriages, optional instead of compulsory. The 19th section of the 3d of George the 4th provides that marriages shall be performed after the bishop has granted a certificate, but the clause concludes by stating that marriages shall not be invalid for want of such certificate, if had in the churches authorised by the Acts. Now if that certificate had been compulsory I do not think that so many of these erroneous marriages would have been performed as have been performed.

4441. To find out the law you have to turn to 21 Acts of Parliament, have you not?—Yes. In the Act of 14th & 15th Victoria there is a clause to validate mariages; the 25th section; "Where by error and without fraud banns of matrimony have been published, or marriages solemnised, in the church of any parish or district in which church banns could not legally be published nor marriages legally solemnised, the banns of matrimony already published and marriages already solemnised in such church as aforesaid shall not, except where any action, suit or other proceeding in relation to the validity of any such marriage was pending on the 19th day of June 1851, be questioned on account of the said banns having been published, or the said marriages solemnised in any such church." That validated them up to the passing of that Act.

4442. In fact you think that marriages which have been performed subsequently to that Act under a similar mistake on the part of the incumbents, are not valid?—If any such there should be, I hope Parliament will insert a similar clause in any subsequent Bill to validate that which has gone before; it would be a very useful clause.

4443. *Chairman.*] Did the Commissioners report to the law officers or to the Secretary of State that they had ascertained those marriages to which you have referred, to be invalid?—No. It is proposed by Mr. Jackson to apply to Parliament for a Bill to validate those marriages.

4444. Mr. *Mowbray.*] Those Bills have been public Bills usually, not private ones, have they not?—Mr. Jackson contemplated a private Bill, and to unite the other case with the one to which the noble Marquis, the Member for Woodstock, referred, the two being very similar.

4445. Mr. *Walpole.*] With reference to that matter which is more particularly referred to us, is not the main difference between the powers which may be exercised by the Ecclesiastical Commissioners, and by the Church Building Commissioners with reference to the creation of districts, this, that in the one case the Commissioners have the power of creating districts where there are consecrated places of worship, and in the other case where there are no consecrated places of worship?—Certainly.

4446. Is there any real advantage in keeping up two distinct authorities, with reference to the creation of districts for parishes, or new districts, without saying how you are to consolidate, or what you are to make; is not there some inconvenience in having two distinct authorities to whom parties are to apply for the creation

creation of new districts?—I think it better that it should be simplified, and I so mentioned to Mr. Jelf at the time when Sir Robert Peel's Bill was framed, that I thought it was very much to be regretted that another jurisdiction should spring up; that the Church Commissioners had already five modes of assigning districts, and that it was a pity this sixth should be added. His reply to me was, "Sir Robert Peel is positive upon the matter, and I cannot say anything more about it."

4447. That having been done, would it not be advisable to consolidate the two authorities now, if it can be effected without any great hardship to any of the parties concerned?—I think it would be of advantage to the public that the tribunals should be consolidated as much as possible, but the powers of the two Boards are opposite, inasmuch as the Ecclesiastical Commissioners can only assign a district where there is no church; the Church Commissioners the reverse.

4448. Would you not rather say that the powers are different, than that they are opposite?—Different.

4449. You recommend, as I understood you, that if the authority of the Church Building Commissioners were transferred to the Ecclesiastical Commissioners, it should be transferred to them with all their powers and functions?—Yes.

4450. From the subsequent part of your evidence I rather apprehended you to say that you did not mean that all these Acts of Parliament were to be transferred bodily, without any amendment of the Acts of Parliament?—The hope of the Board is, that it will be the pleasure of Parliament to transfer them bodily, and to amend them afterwards when there shall be more time to consider them. The powers of the Church Building Acts recognise the vested interests of patrons and incumbents. Sir Robert Peel's Act, in consideration of the 150*l.* a year which it grants, overrides those interests; therefore it seems more in the character of a private patronage Act, and the private rights of patron and incumbent are interfered with in consideration of the 150*l.* per annum which is provided by the Ecclesiastical Commissioners for the endowments of these churches.

4451. At all events, you did not mean that you would retain all those Acts in their complicated form without at some period or another attempting to revise and remodel them?—They were all consolidated in one Bill of 211 clauses in 1842; and Dr. Lushington, as the Chancellor of the diocese of London, went through every clause twice with Mr. Jelf, seriatim, and a great deal of pains were taken with them. There were several clauses which were omitted as being useless and unnecessary; but the clauses which were considered useful in the eleven Acts were consolidated, and were embodied in one Bill of 211 clauses.

4452. Sir *G. Grey.*] What became of that Bill?—It was sent to the Home Office in 1842, at the time that the Right honourable Sir James Graham was Home Secretary.

4453. Was it ever proposed to Parliament?—It never was.

4454. Do you think that the revision and consolidation of those statutes is desirable, whether the Church Building Commissioners should be continued, or whether their powers should be transferred to any other body?—I think the consolidation would be desirable, but there are now ten additional Acts which have passed since 1842.

4455. Mr. *Walpole.*] Does not that make the reasons stronger why you should endeavour to consolidate them into one?—Yes.

4456. Supposing the powers of the Church Building Commissioners were transferred, would it or would it not be advisable to continue the Church Building Commissioners for the purpose of finishing the business now before them, instead of transferring that business which is partly done to a new body?—That will be for Parliament to determine.

4457. I was rather asking the question as to the convenience of the thing in the transaction of business. The business which is now partly performed by the Church Building Commissioners would probably be better completed, as they have had the matter before them, than by sending it all to be begun again *de novo* to a new Board?—I should say, certainly.

4458. *Chairman.*] Has there been any vote this year for the Church Building Commissioners?—The only grants which the Board have had were a million in 1818, under the first Act, the 58th of George the Third, and half a million subsequently.

4459. The question refers to the establishment, the staff?—Application is made to the Treasury from time to time for money as it is required, and it is advanced out of the Consolidated Fund, under the 58th of George the Third, from time to time.

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4460. Sir *G. Grey.*] It is not voted annually upon the Estimates?—It is not.

4461. *Chairman.*] The money is paid out of the Consolidated Fund?—Yes.

4462. Mr. *Walpole.*] Have you any funds out of which you can create districts now?—The Board have merely the power of assigning a district, and not of providing an endowment.

4463. That million of money which you spoke of was put at the disposal of the Church Building Commissioners for the purpose of making endowments, was it not?—No; it was for building churches exclusively. There was a second amount of half a million by the Act of 5th George the Fourth, in 1824.

4464. What was that for?—For the same purpose. Those are the only funds that the Board have had.

4465. Those two funds are probably now entirely exhausted?—There is a very small sum left; less than 2,000 *l.*

4466. Is that the only fund at the disposal of the Church Building Commissioners for building or endowing churches?—The only fund unapplied. There are a great many grants which have been made for which reserve in Exchequer bills is retained, but the only unapplied funds amount to less than 2,000 *l.* at the present time.

4467. The only unappropriated funds?—Yes.

4468. Marquis of *Blandford.*] Is much money owing to the Commission?—I may say none. There is 15,000 *l.* due upon loans, which I fear are irrecoverable.

4469. *Chairman.*] Has there been much business before the Commission of late, as much as usual?—A great deal. An increased number of applications have been made for burial-grounds. I think many parishes have been holding back until they saw what Government intended as to the law with regard to the provision of burial-grounds; and in rural parishes there has been an increased number of applications to the Board to accept sites for burial-grounds.

4470. Mr. *Walpole.*] What are your powers in reference to assigning sites for burial-grounds?—All the powers contained in the Church Building Acts, with regard to sites for churches, are extended to sites for burial-grounds, enabling parties under incapacity to convey land, and the clergyman to convey part of his glebe, the money being paid in the latter instance to the Governors of Queen Anne's Bounty, instead of to the Court of Chancery. Then the Board have the power of authorising groups of burial-grounds to be provided for several parishes. In the city of Oxford there are groups on three sides of the city, and one is contemplated on the fourth side. There is a group of burial-grounds on one side of Cambridge which has been in operation for the last two or three years, and an abstract of title for a further one for the two remaining parishes of Cambridge is now before the Board's solicitor.

4471. Is that under a recent Act?—The original Acts are the 58th & 59th of George the Third and the 3d of George the Fourth; the Act with regard to a group of burial-grounds is a recent Act, the 9th & 10th Victoria.

4472. When it is sanctioned by the Church Building Commissioners is it sanctioned by an Order in Council?—Merely by the Church Building Commissioners, without the intervention of an Order in Council; the conveyance is in a short form.

4473. What is the legal effect of that order of the Church Building Commissioners to group together several burial-grounds?—Each portion is part and parcel of the parish for which it is provided; the Board declare that the parcels B. and C. shall belong to the parishes of B. and C., the land itself being in the parish of A.

4474. Sir *G. Grey.*] Are these burial-grounds which you speak of, substitutes for the parochial grounds; not provided under the late Burial Acts, but independent of them?—They are independent of the late Burial Acts; the ground is an additional ground, and the fee of the new ground vests in the incumbent of the parish in the same way as the original burial-ground.

4475. Are they exclusively connected with the Church of England, and not provided by the burial Boards elected by the rate-payers?—They are exclusively connected with the Church of England.

Veneris, 23° *die Maii*, 1856.

MEMBERS PRESENT.

Lord John Russell.
Marquis of Blandford.
Sir James Graham.
Mr. Wilkinson.
Mr. Walpole.
Mr. Ingham.
Lord Robert Cecil.
Mr. Evelyn Denison.
Sir William Heathcote.
Mr. J. A. Smith.
Lord Robert Grosvenor.
Mr. George Butt.
Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Mr. *William Brodrick*, called in; and Examined.

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4476. *Chairman.*] ARE you connected with the parish of Whitby?—I was born in the parish.

4477. You are acquainted with the contents of a petition to the House of Commons from "the undersigned parishioners of the parish of Whitby, in the county and diocese of York"?—Yes.

4478. Do you wish to make any statement in support of that petition?—If your Lordship pleases. The population of the parish of Whitby is upwards of 15,000; it extends along the coast about eight miles, and inwardly about three miles. The town of Whitby consists of about 11,000 inhabitants, and the village of Robin Hood's Bay, a fishing town, of another 1,000, and the remainder of the 15,000 and more, are distributed about the district; there are three churches in Whitby.

4479. Three churches in the town?—Yes, in the town of Whitby; there is one church at Robin Hood's Bay, otherwise a dale called Fylingdale; and there is another church in the country called Ugglebarnby; the Archbishop is the impropriator of the tithes.

4480. Will you state anything further with respect to the spiritual wants of the parish of Whitby, so far as it concerns members of the Church of England; how many persons will those churches which you have mentioned hold?—There is no want of church room, because, within the last six or eight years, two new churches have been built in the town, but they are wholly unendowed.

4481. In what manner are the services provided for, and in what manner do the incumbents receive their income?—The services of the church are at present very satisfactorily performed; there is a new incumbent there, and he has brought along with him a class of curates from the College of St. Aidan, Birkenhead, where young clergymen are entirely educated, and the church service in the town is very satisfactorily performed; but, unless an income can be got for the churches, I am of opinion, knowing the place, and knowing the individuals, that the churches will be abandoned by those who are now the ministers of them. There has been a great anxiety in the town for further church accommodation, and for the furtherance of the duties of the Church of England, and everything has gone on somewhat successfully; but unless an income can be gained it will be abandoned again.

4482. Are you of opinion that, if these churches were endowed, they would be filled, and would there be then a want of further accommodation for the members of the Church of England?—In the town of Whitby there is no want of church room, but in some of the districts, and in the dales two or three miles off, they fancy that there is a want, and there is a desire to build school-rooms, or something in which to have occasional services in addition, which the clergymen from Whitby might be able to perform; but I do not think it possible that any other church accommodation can be obtained in Whitby, because in the building of the two new churches, every one has been, as it were, beggared.

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4483. What is the distance of those glens, which you mention, from the town of Whitby?—It may be a mile and a half or two miles that some of the inhabitants of them have to come; but the population is thin outwardly, and I would myself hardly recommend building chapels at a distance. I think the inconvenience of coming down to the town would be the least of all the inconveniences, unless a large appropriated income could be got, which, if your Lordship will allow me to state, I will advert to.

4484. Will you go on to state that?--The archbishop is the impropriator of the tithes, and they have been held under lease for 21 years, renewed commonly every seven years. The tithes are commuted, and the commuted tithe-rent is 2,800 *l.* per annum. In the year 1837, the subject of these tithes was prominently brought forward in a pamphlet, published by a gentleman with whom I was very well acquainted, a Mr. Moorsom. It happens to be a Letter directed to Lord John Russell, by Mr. Moorsom, who was the principal magistrate of the town, a gentleman of great intelligence, and in fact the leading individual of the town, and of more acquirements than any one there. He says, "At the last renewal of the lease of the tithes of the parish of Whitby, which took place in 1835, and which was for seven years, the Archbishop of York received as a fine from his lessee the sum of 2,600 *l.*, equal to about 371 *l.* 8 *s.* a year. In order, then, to give the Archbishop of York 371 *l.* 8 *s.* a year, the parishioners of Whitby are called upon to raise 2,324 *l.* 14 *s.* 3 *d.*" That that is the fact, is evidenced by the situation of the parish at this time, because, for the year ending Lady-day 1856, the reduced tithe-rent, upon which, as I happen to have learnt, the income-tax paid was on 2,323 *l.* 6 *s.* 6 *d.*,; so that, during the whole of this period, there has been a clear income of upwards of 2,300 *l.* a year, which of course properly belongs to the Church, arising from the tithes of Whitby, and yet I believe it to be a fact, and a fact of which I speak from sources of information which I am hardly at liberty to repeat, that the whole amount of premiums, if distributed into annual payments, which the Church has received, (I mean including the Archbishop) has not been for the last 50 years more than 500 *l.* a year.

4485. Is that property leased to a single lessee?—It is, and it has been in the same family for now the greatest part of 100 years.

4486. What is the nature of the present lease; for how long a period?—It has 14 years to run.

4487. But it is originally a lease for 21 years, is it not?—Yes; seven years are gone; I propose to state, by-and-bye, that the distinct object of the application of the town is to prevent the renewal of the lease; that was the course which I was recommended should be taken, and the town, in a meeting held there last summer, and also two years before, adopted the same; and we have been memorialising first the Archbishop, and then the Archbishop and the Ecclesiastical Commissioners. The Archbishop has every professed disposition to assist the town, and I believe he has every sincere disposition, because he happened to be at Whitby whilst I was there two years and a half ago, when I called upon him, and stated, that I thought the period had arrived when something should be done in the matter. I rather wish to say here, that the threat held out by the Ecclesiastical Board, and by the Archbishop, of granting a renewed lease, is contrary to law, and that, in fact, as the Archbishop and the Ecclesiastical Commissioners are only now trustees, under the Order in Council, the first *cestui que trust* is the local claimant, and that, if a lease were granted, except for the immediate benefit of the local claimant, it would be what I venture to call (subject to correction) something like committing a *devastavit*.

4488. What is the provision to which you refer which has taken place by an Order in Council?—It is a provision by which the Archbishop takes a stipend instead of the estates, and he accounts to the Ecclesiastical Commissioners for the estates of the see.

4489. Is the estate now managed in any way by the Ecclesiastical Commissioners, or is it in the hands of the Archbishop?—In the hands of the Archbishop, who annually pays over a surplus after his own income is discharged, and he has in fact paid over a surplus.

4490. Lord *R. Cecil.*] What do you mean by saying that the Commissioners and the Archbishop are only trustees?—I mean that the Archbishop's stipend is now secured by the common fund of the Ecclesiastical Commissioners; and that hence, and by the operation of the Order in Council, the episcopal estates so vested

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in the Archbishop and the Ecclesiastical Commissioners become a trust for the benefit of those who may be entitled; and as I conceive, and humbly submit, but submit with some confidence, in the presence of legal authorities who are much more competent than myself, the first *cestui que trust* is the local claimant.

4491. *Chairman.*] Is the estate at present in the hands of the Ecclesiastical Commissioners, or is it still in the Archbishop?—It is not in the hands of the Ecclesiastical Commissioners. The Archbishop manages his own estate, and accounts to the Ecclesiastical Commissioners for its product.

4492. Does not the Act of Parliament, with respect to local claims, contemplate the case of the estate, from which the tithes arise, being in the hands of the Ecclesiastical Commissioners?—Yes, that may be the strict law, but it is with reference to a new provision that I make the allusions; the Committee is here sitting for the purpose of new provisions. In this case, we had thought of applying for a separate Act of Parliament upon the subject, but when this Committee was formed, it appeared that the inconvenience and expense, which the town of Whitby would not have undergone, would be saved, by my voluntarily coming here, as I do, because I am, literally, entirely a volunteer.

4493. Therefore what you want, in fact is, a change in the law; the strict law now being that it is only when the estate comes into the hands of the Ecclesiastical Commissioners that this provision for local claims can be made?—That is the further object; but the first object I have is to prevent the Archbishop, with the consent of the Ecclesiastical Commissioners, from granting a renewed lease, which renewed lease, being of a rentcharge, I say is an absurdity, and can only be a waste of the property of the Church in favour of a lessee who has no claims. I believe the fact is, that the lessee has made a small fortune out of these tithes. It cannot be otherwise, if my statement be correct, that the income has, for the 20 years last past, been upwards of 2,300*l.* a year, and I dare say it has been considerably more, because, in 1835, to which date Mr. Moorsom refers in his pamphlet, the tithes were not commuted. They have been commuted since, and they were commuted at 2,800*l.* per annum. I here wish to state that the aggregate amount received from these tithes by all the churches in Whitby, that is to say, the three churches in Whitby, and that at Fylingdale, which is a separate church, and the one at Ugglebarnby, is 107*l.* 13*s.* 4*d.* per annum. They are in possession of no other property, except some benefactions or appropriations from Queen Anne's Bounty, or otherwise, which may be about another 100*l.* a year, and that is all that five churches have to sustain them. The net rent for which the lessee paid income-tax, up to Lady-day 1856, was 2,323*l.* 6*s.* 6*d.*; for the year before it was something more, and, for the year after, I fancy, it will be something more again, inasmuch as the tithe average will be increased.

4494. During the period which you mention as being the greater part of 100 years, have the tithes been let for 21 years or for a longer period?—I believe always for 21 years.

4495. Mr. *J. A. Smith.*] Renewable every seven?—The lease has been renewed every seven.

4496. *Chairman.*] What has been the fine usually taken?—Mr. Moorsom states that, in 1835, the Archbishop received as a fine from his lessee the sum of 2,600*l.*, equal to about 371*l.* 8*s.* a year for the seven years.

4497. What do you suppose, in case the lease is renewed this year, will be the fine which will be taken?—Of course a lease of a tithe-rentcharge, supposing a lease to be granted, ought not to be calculated upon the same principle as a lease of land, or of houses, because it is a mere matter of discount. If the lessee in this case were to ask a renewal upon his old terms, he would take a year-and-a-half's rent, and calculate 8, 9, or 10 per cent. for money. Now, by way of meeting the thing, I have suggested that a renewed lease should be granted to him of these tithes for seven years, provided he would be content with 5 per cent. for his money; for instance, calculating it upon the rentcharge, not upon the rent, because the rent is gone; but if he would calculate it upon the usual rate of interest, and agree to whatever sum 7 years, added to 14, would give, I have proposed that it should be reserved annually from the present time, instead of being paid down as a premium.

4498. That it should become part of the rent, in short?—Yes, altogether.

4499. Instead of its being paid down by way of fine?—Yes.

4500. Supposing a fine to be paid, will the Archbishop ask the approbation of

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the Ecclesiastical Commissioners before it is taken?—He is obliged to do that; but practically I wish to state, (and I am sure I am very reluctant to state it, because the Archbishop is personally so kind to me that it seems ungrateful that I should state anything which would be at all hurtful to his feelings) that he has raised what I call a fiction of law. Both he and the Ecclesiastical Board, in the answer which they give, have raised a fiction. The Archbishop's fiction, as I call it, is that the lessee has a sort of vested interest; my answer to his Grace upon that subject was, that I was very sorry that he should think there was anything like a vested interest, for that to me there was nothing like a vested interest, nor any shadow of legal, equitable, or moral claim to the renewal of the lease. Notwithstanding that, the Archbishop seems to hesitate between one and the other, and I think, unless checked by the finding of this Committee, the probability is, that he will be induced to grant a renewed lease for 21 years, and the parish of Whitby, with all these churches, must be gibbeted, as I call it, in the schedule to the Ecclesiastical Report, as claimants who are to derive benefit on the expiration of 21 years.

4501. Has the Archbishop any personal interest in the amount received for the fine?—None whatever; he says so distinctly in his letter to me, that, personally he is not now interested in it.

4502. Do the Ecclesiastical Commissioners propose to make any further provision for the local wants of the place?—No; they say they are unable; they have certain stereotyped answers, which are founded in truth, I dare say, but to the effect, however, that there is no hope or expectation.

4503. Mr. *Walpole.*] That is the reason they are stereotyped, I suppose?—I think they are unnecessarily so. I found every civility at the offices, but civility of that nature.

4504. *Chairman.*] Do you consider that the Commissioners are precluded from doing so by the present state of the law?—The secretary states, "I am directed to explain in reply that, according to the principles laid down by the Committee of the House of Lords, in their report upon the Episcopal and Capitular Revenues Bill, 1851, any lessee having, at that date, an unexpired term of less than 21 years should be allowed the value of one more renewal, and that consequently no local claim upon the tithes in question will arise on the part of the parish of Whitby before the year 1876." That answer, I say, is a pure fiction.

4505. Mr. *J. Butt.*] I understand that your notion of the Archbishop's fiction is, that he considers that, morally, there is a right of renewal?—Yes.

4506. Mr. *Walpole.*] Did I rightly understand that the 2,800*l.* a year is tithe rentcharge belonging to the see of York?—It is appropriated to the see of York.

4507. And that is under a lease of 21 years?—Yes; seven of which have expired.

4508. I gathered, from what you said just now, that the Archbishop considered that the lessee had a vested interest, that is to say, that he had a right of renewal. As I understand you, the Archbishop, in one of his answers, stated to you that he considered that the lessee had a kind of a right of renewal?—Yes.

5509. Then I suppose it all turns upon the question, whether the lessee has, according to the custom, that right of renewal which has been recognised in other cases; is not that so?—I do not know what this Committee may think on that subject. I conceive that, in principle, there is no such right. I can only deal with it as a matter of principle.

4510. We will assume for a moment that there is no such right; but I put it as a *quasi* right of renewal, namely, that it is that kind of right of renewal which has been recognised in other cases?—Yes, if there have been any such recognitions.

4511. Is there anything peculiar in this case, as distinct from other cases where that right of renewal has been recognised?—May I be allowed just to read the two short letters of the Archbishop, that you may gather his feeling. He says, in a letter to myself, under date of the 21st January last, "No one can be more anxious to see the parish of Whitby well provided for out of the ecclesiastical revenues thence derived than I am. But the lessee has a sort of vested right in those revenues, and I do not see with what justice a renewal can be refused to him if applied for on his part, and if the law (as usually

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usually interpreted) allow such renewal. It is not for me in this or in any case to propose a renewal. All that I have to do is, to refuse or sanction the application. Neither refusal nor sanction has in reality any binding force; and, after all, the decision is left in express words to the Ecclesiastical Commissioners. I have not now, as formerly, any sort of personal or pecuniary interest in the renewal, nor, as I believe, any voice in fixing the terms of renewal." His Grace then alludes to the case of Doncaster, which I need not refer to. We then, seeing what his disposition was, urged that he would assist in obtaining an Act of Parliament for an appropriation of the tithes in favour of Whitby, and his Grace said, in answer, "With every desire that I have for the spiritual good of the parish of Whitby, I really must not give you the pledge you require, viz., to support an application to Parliament for regulating the distribution of the tithes of Whitby, till I see and have considered the Bill to be proposed. I hope to be in London early in February." Then February arrived, and I called at his house, as he proposed that I should do. He says, "On my arrival here last night, I found that you had called and left your address. In any matter relating to Whitby, I must beg that all communications may be in writing, and pass through Mr. Gray's hands, to whom I should submit everything sent to me, and without whom I really can give no opinion, though, in all other respects, I am glad of an opportunity of personal conference with yourself." This paper contains my own answers, assisted by Mr. Baxter, of Park-street, who has been so kind as to give his voluntary services to this parish, as well as myself; and the letters to which those I have read are answers were written by us, stating our views of the law and the facts of the case. I put in the correspondence.

Vide Appendix, page 215.

4512. You have no particular interest in this matter except as an inhabitant of Whitby?—Not the smallest; I am a native of Whitby.

4513. And you very naturally wish to get a portion of that tithe, if you can, applied to the spiritual wants of the place; that is naturally your object?—I do not know whether I am at liberty to confess a further object; but I really think that there is spiritual destitution in the place for want of it. I do not wish to profess motives, but I think that I was in some measure influenced by a conscientious sense and wish to endeavour to spread religion, until the Order in Council, by which the Act placed the estates in the hands of the Ecclesiastical Commissioners, or subject to their jurisdiction in some way, all that the inhabitants of Whitby could do was to complain and to abuse, as they always did, the lessee of these tithes, for running away with the tithes of the parish, and the ministers having nothing. In my own recollection, the name of the lessee, which I do not wish to repeat here, has always been an obnoxious name in the place, from the circumstance that he was in possession of all the tithes; and when the circumstances are looked to, and it is shown that the Church itself has so small a provision made for it out of the tithes, it is a matter of flagrant injustice, and as churchmen, I conceive that they have a right, and that we all have a right, to ask in a proper manner, and in the proper place, for a due realisation of the property of the parish tithes.

4514. Mr. *G. Butt.*] Am I to understand you that your objection is to recognising the right of renewal?—Yes.

4515. But, assuming the right to exist, you do not object to the terms of renewal?—We do not know anything of the terms of the renewal; I object to a renewal of a "rentcharge." The Committee will recollect that Lord Harrowby's Report distinctly reported against all renewals of rentcharges, and against all renewals of leases of lands on fines or premiums, but at rack-rent. That is what I ask in this case; in the first place, that the Archbishop and the Ecclesiastical Commissioners be stayed in what they are doing, inasmuch as there seems to be neither legal, equitable, or moral consideration. I apprehend that there is no legal privity between the Church and the lessee, beyond the term which the lessee has.

4516. Sir *J. Graham.*] Your fear is, that the Ecclesiastical Commissioners and the Archbishop would grant to the lessee a renewal upon terms too favourable to him?—I object to the renewal altogether; but, as I have already described, it would answer the purpose of the town of Whitby if the lessee would, computing the rate of interest on money at 5 per cent. instead of 10 per cent., renew for seven years, and renew it as a rent payable from the present time.

4517. I so understood you; I understood you to say, first of all, that you were desirous that there should be no renewal, or, if there were a renewal, you pointed

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out terms less advantageous to the lessee than you felt would be obtained from the Ecclesiastical Commissioners and the Archbishop; that is so, is it not?—Yes.

4518. Mr. *Ingham.*] You are of opinion that this lessee should not have the same consideration in the renewal of his lease that all others have had?—I think no such thing, with great submission to you; I think that the law is contrary to the renewal; I think that the statute of the 17th & 18th of the Queen, which refers to the Report of the Lords, and the Report of the Commons, neither in letter or in spirit predicates or gives countenance to the renewal of a lease, except on enfranchisement, or a surrender of the term; and in that case it only gives a right to the Ecclesiastical Commissioners to consider the claims of lessees to the allowance of one renewal.

4519. You say that the only provision for renewal is in case of enfranchisement or surrender; there could be no renewal if there was either enfranchisement or surrender?—It is not a renewed lease; it is that they should be allowed one renewal; those are the words of the Report.

4520. The words of the Report are, that before a person is called upon either to surrender or to enfranchise, he should have the option of renewal?—No, it is not so; it is that they should be allowed the consideration of a claim to one renewal.

4521. Then why should this particular lessee be prevented from having that allowance which the Legislature and Committees have repeatedly said is a due consideration to the equitable interest of every other lessee?—I do not agree that there is any countenance for the statement that lessees are entitled to renew, and in my attendance upon this Committee I have not heard it anywhere insisted on.

4522. The question is, not whether there is any title which they can enforce, but the opinion both of Commissioners and of Committees, and of the Legislature, as announced in the Act of Parliament, is, that they are entitled to consideration for the long-continued practice of renewal?—The Lords' Report of 1851 expressly states that allowance should be made if, by reason of the practice of renewal, persons have been led to make purchases; and the recommendation of that report is evidently directed to the case of persons who would suffer a pecuniary injury by the habit of renewal being stopped. In this case, so far from a consideration of the habit of renewal, I should look rather to the Right honourable Member for Cambridge to say, whether, if this lessee, or any other lessee, choose to ask on equitable grounds for a renewal of his lease, he ought not, whilst asking for equity, to submit himself to do that which in the Courts of Equity suitors are compellable to do, namely, whether he should not do equity.

4523. You are of opinion that this consideration was intended only to be shown to persons who were what you call purchasers; is that so?—To persons who had been recently purchasers. It is evident to any one who reads the whole Report together, that it bears no other complexion.

4524. I am speaking to a professional man; you know that a purchaser is any person who gives a valuable consideration for a property?—Yes.

4525. Supposing that this property should be included in a family settlement, would you not consider that the parties who held as trustees for the individual for whom they were trustees became purchasers of it?—No. I should consider that they would be in the situation in which every other similar person is, namely, that if the property was put in settlement and the property failed, they would be the sufferers. My view of it is, that the Church has never been represented; that the Church has been for all this time deprived of those revenues which belong to it, and that it should not be longer so deprived.

4526. Would not the same rule apply to any species of purchaser; if he purchased a property, which property failed, he would lose his purchase-money; why should there be any difference between a purchaser of such a description as you intend to favour, and a party who may have paid a valuable consideration for settling this property?—I do not know that I should have given a consideration to those who had made their purchases in that way, but I am stating what the Report is.

4527. Then you come to this result, that your opinion is, that in all those cases the consideration given to the supposed interest of the tenant in a renewable lease is given indiscreetly?—What I mean is, that if a purchaser had been in the market and bought a lease within seven years, and given a price for it, there would be a stronger feeling to give him some relief from it than there can be with regard to one who has been in possession of an enormously profitable bargain for more than fifty years.

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4528. Does not the profit of the bargain depend on the premium given upon the original acquisition?—Yes.

4529. Do you know what was given in this case?—No, but I have no belief that the lessee has not been repaid a hundred times. Do not consider that I am here speaking against the lessee, or against the Archbishop; I have no feeling against the lessee; on the contrary, I have tried whether Mr. Gray, of York, my own particular friend, can make an arrangement satisfactory to all parties, but I have failed in that; it is unpleasant to me, because the lessee was born in the town; I have no acquaintance with him.

4530. Sir *J. Graham.*] Did I rightly understand you to say that, in your opinion, the renewal would be illegal, or rather in defiance of a rule of equity equivalent to law?—Yes.

4531. Then what you would desire would be, that this Committee should pronounce some opinion against these renewals which are either inequitable or illegal, in your opinion?—Yes, I would ask them to do that which Lord Harrowby's Report did.

4532. Upon the legal or equitable question, has your view been sustained by any decision of a Court of Equity to which you can refer?—My view is the view of plain common sense, and the ordinary principles of courts.

4533. Supposing this lease were renewed, and the funds to try the equity or legality of it were not wanting, do you feel confident that upon an application to the Court of Chancery that renewed lease could be set aside?—I have not said that, because I am aware (and I very candidly state it to you) of the argument which may be used in meeting the case, that if the Ecclesiastical Commissioners were to say, that which they have not said, and that which I expect they will not say, namely, they require a renewal of the lease in order to make up the stipend of the Archbishop, that would be a lease which no equity could stop; but, otherwise, I should say that the local claimant has a right in equity to prevent this lease being granted otherwise than for his own benefit; I apprehend that every individual member of the Church of England has a right to ask both here and in other places for a full realisation of the income of the Church.

4534. Then, without any change of the law, according to your view, the Court of Chancery would stay the renewal of any such lease?—I conceive that the local claimant has an equitable right to the benefit of any proper renewal of that lease.

4535. Mr. *G. Butt.*] If the lease were running out, and the lessee applied for a renewal, neither at law nor in equity could he enforce a renewal; that is clear?—Certainly.

4536. The Right honourable Baronet put to you, whether, although there be no legal or equitable right, yet assuming the lease upon such terms to be renewed as has been the custom, a Court of Equity would set it aside, to which, I suppose, the answer would be, that a Court of Equity (for we know of no cases) would not set it aside?—Therefore I ask here that you will prevent it.

4537. There being no legal or equitable right to compel a renwal in these cases, your observation, as I understand you, that property of this kind ought not to be renewed, is founded upon the consideration that the grantee of it from time to time is in a different position from the lessee of land or houses, who upon the faith and understanding of renewal may have laid out money in the improvement of his land or houses to a greater extent than an ordinary lessee would have done; is that so?—I have given no consideration to the case of lessees of houses; my attention has been confined entirely to the parish of Whitby. Of course I can conceive a very considerable difference in the case of lessees of houses and lessees of mines, into which I have never gone; I do not understand how it has been done.

4538. This being the purchase of an annuity or a rentcharge, with none of the contingences of laying out anything to improve it, (of course it cannot be improved like land and houses) you say that the lease of it ought not to be renewed at all?—Certainly.

4539. And that is the recommendation of the Report of 1850?—Yes.

4540. Which also contains the principle recommended with respect to the renewal of other property of a different kind?—Yes. Both the Reports agree, both Lord Harrowby's and the Lords' Report, in the non-legality of claims for renewals of leases; the Report of 1851 distinctly negatives the right of renewal.

4541. *Chairman.*] Have you knowledge of any cases in which leases of this kind, namely, of tithe-rentcharges, have been in the hands of the Ecclesiastical

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Commission, by virtue of their being in the place of a suspended canonry, and where they have renewed or refused to renew the leases?—I have no experience.

4542. Mr. *Ingham.*] You say that in the Report of Lord Harrowby's Commission they repudiate any right of the lessees to renew?—I forget; it is some short time since I looked at it, but it must be so, because Lord Harrowby's Report is distinctly, that there shall be no renewals of rentcharges, and that there shall be no renewals of leases of lands upon a premium; therefore it necessarily follows that there can be no right of renewal.

4543. So you have stated, but does not Lord Harrowby's Report expressly provide some consideration for those who possess estates, in which it has been considered that there is a custom or right of renewal?—I have not gone into that. It is evident that the two Reports, as was stated here by Mr. Lefevre very distinctly, are founded upon different principles. Lord Harrowby's Report goes to the improvement of the system of leasing, keeping the system going as it is upon an improved method; the other Report destroys the system of leasing.

4544. Lord Harrowby's Report recommenced an improved system; but was it not one object of that improved system to give compensation to the tenants?—No doubt, for the encouragement of that better system, consideration was to be given to claims. In the Report of 1851, all that is reported in favour of leases, for the encouragement of the system which it was the object of the Report of 1851 to carry out, is with a view to establish the principle of enfranchisement, or the surrender of the lease. In order to encourage individuals to come to that agreement, they say, We authorise you, the Ecclesiastical Commissioners, to give consideration to that claim to a certain limited amount. I beg to refer to an authority which is strong in my own mind, and which had some considerable tendency to fix the matter as a principle, namely, the recollection of a discussion in the House of Lords between one of the Bishops (I think it was the Bishop of London, but I am not certain,) and the Duke of Wellington. The Bishop had been complaining of the loss of the Church income by the appropriation of tithes into lay hands. The Duke of Wellington's observation was this, that he had been in most parts of the Christian world, and that he had never been into any country where there was not some provision for the clergy of the country. But, he said, here you have a provision for the Church; you have the tithes, and the question is, Have you realised these tithes? If you have realised the tithes, and can show that you have realised them, you may then, if you can show the necessity of a further endowment by the State, ask the State for some endowment. But the case which I am urging upon you is, that there has been nothing like a realisation of the Church's property; that in this case of an income of 2,500 *l.* a year, two-thirds of it have been wasted with the lessee. Supposing this Committee to report against further leasing in the two instances which I have stated, I have to suggest that it should also be recommended that the Ecclesiastical Commissioners should have the power of making advances to local claimants on prospective leases falling in. For instance, in this case, here is an income of 2,300 *l.* a year. If the Ecclesiastical Commissioners were enabled by funds to advance 750 *l.* a year at present, they would in 14 years be reimbursed the money which they had advanced to these local claimants. Then there is a third point, which is still shorter, with regard to the Board itself. The Ecclesiastical Board, as is very well known, consists mainly, if not altogether, of the Episcopacy. In this case, suppose the Archbishop of York were to determine in favour of a lease, although that lease he could not grant without the sanction of the Ecclesiastical Commissioners under their seal, still practically it would be worse than an appeal from the Lord Chancellor to the Lord Chancellor, because it would be an appeal from the Archbishop to the Archbishop and the rest of the Bishops, and still worse than in the House of Lords, because it is a closed Board.

4545. Mr. *E. Denison.*] What do you propose then?—I do not wish to disturb anything; indeed, I do not know enough about it. What I have to propose upon that head is, that the estates committee should be extended.

4546. In what way?—It consists now of a chairman appointed by the Crown, and another member appointed by the Archbishop; and I think that a third ingredient should be, that the working body of the Church and the laity should have the nomination of another member.

4547. How do you propose that the body of the Church and the laity should appoint this third member?—I would let the Crown appoint for them, but with the distinct understanding that the person appointed was to represent them, because that would

would give something like access between that class and the Board. If that were so the members should be all stipendiary, otherwise it would be unavailable altogether.

4548. Are you aware that at present the Crown does appoint two members and the Church one?—Yes, but one has been honorary.

4549. *Chairman.*] By that you mean that he is unpaid?—Yes.

4550. Mr. *E. Denison.*] Are you aware that, as to that gentleman, although he is not paid, it has been proved in evidence here that his attendance has been very constant and regular, and nearly as constant as that of any of those who are paid?—Yes; supposing that I, as representing this body, chose to go to him, should I have the same right of going to him as I should if he was stipendiary? I should feel that I had not.

4551. You do not call upon any individual gentleman; you call at the office?—Yes; where you get every civility and every access which one can require, but you get what I still call stereotyped answers, and no person who knows anything of business can expect otherwise.

4552. Am I to understand that the extent of your recommendation is, that the third member of this body should be paid?—Yes, and that the understanding should be in the way I have described, namely, one being the Crown Commissioner, another the Episcopal Member, and the other the Church Member.

4553. But you have said that the Crown is to appoint the third?—I predicated the difficulty; and in order to get rid of the difficulty (for I have considered it before I came here), it appeared to me that the Church would be content with the Crown nominating another member.

4554. Practically it is so; the Crown, as I have said, does that already; therefore the only difference is, that this individual should be paid?—Yes.

4555. Marquis of *Blandford.*] With this addition, that there should be an understanding that the third Commissioner is to represent the working part of the clergy, and the laity?—Yes; that is my idea.

4556. *Chairman.*] Whom do you suppose the chief Commissioner represents?—The Crown itself.

4557. Do you suppose that he merely represents the interests of the Crown, and that he does not represent the Church?—Between two parties there might be confliction; between the Church and the Crown represented there individually, (especially if the individual was in the exalted position in which the Chairman now is); I am not sure whether something like an open Board would not be a better thing.

4558. Mr. *E. Denison.*] What do you mean by an open Board?—To hold meetings publicly.

4559. Mr. *Mowbray.*] How would you insure that this third Commissioner, whose appointment you suggest, would represent the clergy and the laity any more than the first Commissioner?—I think if he accepted it on the understanding that he was nominated in that interest, he would, as a matter of feeling and propriety, give ear to any representation from that body. We have no access to any one except Mr. Chalk, who represents the Ecclesiastical Board; but he represents them as an officer of the Board; he states reasons. In the case of the very answer which I read to you, as the answer of the Ecclesiastical Board, assuming for law that this lessee has a right of renewal, and prolonging the claims of Whitby for 21 years, Mr. Baxter and myself attended Mr. Chalk upon the subject; we discussed it with all the energy that we were able to exert, and in the end Mr. Chalk very candidly said, that he was not equal to the law of that case. We could go no further; there we were stopped. Then again I would mention, as another circumstance arising out of this very transaction, that when the Whitby memorialists first applied to the Archbishop, I had reason to think, and I now believe that he made a communication to the Board adversely to the renewal of the lease. I, in my conversation with Mr. Chalk, charged that as a fact, and Mr. Chalk very properly, for anything I know, said that he could not account for all the documents in their possession which the Commissioners possessed. I could carry that inquiry no further; there we remained. Nothing but a legislative provision can give more access to documents, and more publicity, and more justice.

4560. Mr. *E. Denison.*] Are we now in possession of all that you have to state?—Yes.

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4561. Lord *R. Cecil.*] With respect to the facts to which you spoke first, how many years have the family of the lessee been in possession of their lease?—I believe 70 years and more.

4562. To what extent has the fine on each renewal been raised during that time?—I realy do not know; I have no means of information upon that point, having no access, but I have reason to believe (and could name the authority for it) that the Church, including the 100 *l.* of stipend to the incumbents, has not during the whole period, derived more than 500 *l.* a year; that if the amount of the premiums paid for the renewal of the leases were thrown into one sum, it would only make 500 *l.* a year, and from the documents which I have, there is at least 2,300 *l.* a year paid by Whitby, and it may be more.

4563. Mr. *Wilkinson.*] I understand your evidence to be this; you have stated that the lessee in this case has no claim for relief?—Yes.

4564. And that there is no privity between the Church and himself beyond the term which he has?—Yes.

4565. I do not understand that you object to any claim set up on the plea of money laid out in the way of house-building, and so on, upon the estate?—No, I have not gone into that.

4566. You would not object to that being a claim?—I should view all the facts when they came before me.

4567. What I understand you to say is this, that in the majority of cases, the lessee, in your opinion, has given no adequate consideration?—He has given none.

4568. And therefore, as I understand you, he is not entitled to that consideration of increased value which the holder of a fee-simple estate would be entitled to in that respect?—Yes.

Mr. *Robert Baxter*, called in; and Examined.

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4569. *Chairman.*] YOU are acquainted with the case of Whitby?—I am.

4570. Have you anything to state in addition to what Mr. Brodrick has stated?—Yes; I have put down in a very short statement the exact condition of the churches at Whitby. The parish church, with two additional churches in the town, and a population of 10,000, has only an income from all sources of 161 *l.*, so that there are three churches to be served, and a population of 10,000 to be spiritually instructed, upon an income of 161 *l.*, including the fees. There are in Whitby parish several outlying places; one called Newholme, where there are 373 people, and no church; another, Aislaby, with 334 people, with a chapel; and there is an endowment of 87 *l.* a year to the chapel. There is another district of 1,200 people, which has an adequate endowment of 329 *l.* a year to the church; that district of course is provided for.

4571. Which is that?—Eskdaleside and Ugglebarnby; another district, Hawksher-cum-Stainsacre, with 780 population, has no chapel and no provision. Another district, Fylingdales, with 1,784 population and a chapel, has 120 *l.* a year as the income of the clergyman, with, as you observe, nearly 2,000 people to be provided for. In Whitby parish, as Mr. Brodrick has stated, there is a gross rentcharge of 2,800 *l.* a year; that has been leased only for 21 years, renewed at the end of every seven. Out of that, as we are informed from the best sources, the church, including the Archbishop, and including the payments to the parish, has not derived upon an average more than 500 *l.* a year. So that by the system of leasing established in this parish, what would produce, if in hand, 2,800 *l.* a year, has only produced 500 *l.* a year to the church, including all that has been produced by renewals, as well as a small annual payment of 107 *l.* 13 *s.* 4 *d.* to the churches in the place.

4572. Mr. *G. Butt.*] You have taken the account on both sides?—I have.

4573. Mr. *J. A. Smith.*] Upon what average is that account taken?—That is taken upon about 20 years; I should state that we have not been able to get at the original documents, but we have taken the best means of information accessible to us, and that is the report which is made upon that subject. I happened to be at Whitby upon a visit, and was called to a meeting of the inhabitants with Mr. Brodrick, and they desired to apply to the Ecclesiastical Commissioners under the Local Claims Act. If your Lordship would allow me, I would wish to draw the particular attention of the Committee to what the local claims are. They arise under the statute of 3 & 4 Vict.,

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Vict., and these are the words of the statute: "Provided always, that in making any such additional provision" (that is, when the Ecclesiastical Commissioners make any grants anywhere or for any purpose) "out of any tithes, or any lands, or other hereditaments allotted or assigned in lieu of tithes so vested, or to be vested in the said Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen." That is a specific direction, as I read it, that before they give away any money derived from a particular locality which needs assistance to its spiritual wants, they shall give it that assistance before they appropriate the money to any other place. That statute is explained by a subsequent one, the 17th & 18th Vict., c. 116, in which it is said that they shall make an annual report of the claims arising under the former statute, and that they shall also state the period at which the leases of the tithes or property in question will expire, or if they have been purchased, the period at which they would have expired, according to the tables of calculation of the expiration of such leases. Now, on making the application to the Commissioners, we were told that they never attended to local claims until the property positively fell into their hands; in other words, until the lease had expired.

4574. *Chairman.*] Is that the meaning of the Commissioners, until the lease has expired?—Yes, as the Committee will see. I hold in my hand the Commissioners' Report of 1854, made in pursuance of the last of the statutes to which I have referred. Here they give, at page 74 of the Appendix, a list of the cases in which local claims on estates enfranchised are created by these Acts, and they leave a column headed in this manner: "Year in which Local Claim will accrue." Now that "year in which local claim will accrue" they explained to us to be the same as the year in which the lease would have expired, if it had run out, or, if it be a life lease, would expire according to the calculation of life tables. I hold in my hand the subsequent Report for the year 1855, in which there is a similar list of local claims. So that it is clear that they interpret this statute as putting by the consideration of local claims until the year arrives at which the lease would be out. Now, on looking down this table of times at which the leases would expire, I find here "1890"—"1900"—the year 1900 will come before that case can be considered. I do submit, as matter of interpretation of a statute, and much more strongly as matter of business, that when you put off the consideration of a claim to the year 1900, you are assuming the Ecclesiastical Commission to live much longer than most political arrangements do live, and you are running the risk of the whole thing being entirely forgotten in the parish, and everywhere else, before the time arrives to consider it. I find, on further inquiry, that the Commissioners, if they receive money from these places, carry that money to their common fund; they then deal with their common fund in grants and in purchases, as the common fund is dealt with, positively disposing of the money which they receive from these places, and at the same time postponing the consideration of the local claim until what would have been the expiration of the lease. What I respectfully submit to the Committee is this, that nothing can be worse as a business arrangement; it is, in point of fact, taking away the chance of consideration of a local claim. It may be forgotten, the Ecclesiastical Commission may have ceased; if they exist, the money may have been appropriated in another way; and it is not carrying out, as it appears to me, the provisions of the statute, which says, that before they dispose of that money they shall consider the local claim. What I would respectfully suggest is, that there ought to be in every case where the Commissioners receive money, upon which a local claim arises, an immediate consideration of the local claim; that local claim possibly to be deferred before it came into operation; but that when the Commissioners touch the property in Whitby, for instance, they shall consider the claims of Whitby, settle what it is fair that Whitby should have out of the tithe rents arising within the parish, and settle the period at which that arrangement shall come into operation; and having got the plan determined upon and settled, each party is satisfied; it is a business arrangement; when the lease falls in, or the money comes into the hands of the Commissioners, it is applied according to that scale, and there is no dissatisfaction. But I am sure the Committee will not wonder when I state that I find in Whitby the most extreme dissatisfaction; dissatisfaction with the lessee, with the Archbishop, and with the Commissioners, because they say, "We are paying tithes to the amount of 2,800*l.* a year, and only 100*l.* a year is applied to the spiritual wants of the parish." I apprehend that

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there is no difficulty in the course which I suggest. In the case of Doncaster, at which I have a residence, I applied some few years ago under similar circumstances. There was 1,700 *l.* a year paid as rentcharge out of the tithes in that parish. The lessees applied for a renewal of the lease. I applied to the Archbishop representing the state of the Church there with 10,000 population, and only 60 *l.* a year paid out of the 1,700 *l.* That application was considered, and the Archbishop, by virtue of a power which all Archbishops have, allotted 200 *l.* a year out of the tithes to come into operation at the next renewal of the lease. Immediately after he had made the allotment, the lessees were induced to take the renewal, and the 200 *l.* a year came into operation without any delay, and there there is some sort of provision made for the parish. The same thing may be done in Whitby to the extent of the value of the renewal of the lease, if the tenant is to be allowed to renew it.

4575. Marquis of *Blandford.*] You object, I think, to the renewal of leases for rent-charges altogether, do not you?—If the property of the church were taken by a strong firm hand, to be dealt with as every gentleman or nobleman would deal with his own property, there never would be another renewal of a church lease, and the property of the church would come into operation for the benefit of the church, much more speedily than it is likely to do, if renewals are further permitted.

4576. Do you confine that answer to rent-charges, or do you extend it to property generally?—To property generally. It is stronger perhaps in the case of rent-charges than of other property, because there is no intricacy of management in a tithe rent-charge; some other kinds of property require a management which it may be considered makes it more difficult for a clergyman to undertake.

4577. Have you considered the present arrangement under which the Archbishop's property has been transferred to the Commissioners?—The present arrangement is that the Commissioners give a fixed allowance; but your lordship will pardon me perhaps for saying that, in the most unbusiness-like way, they leave the Archbishop in the management of the property without his having the slightest interest in it; so that he, as a spiritual person, is incumbered with the management of property without having the slightest interest in the produce, whether it be managed well or ill.

4578. Do you consider that that arrangement which subsists at present is one which has a tendency to perpetuate the system of leasing?—In the present case, for instance, this lease will be pressed I have no doubt by strong personal influence for a renewal; the lessee is very highly connected, and he has very great influence, and I have no doubt that that influence will be brought to bear for the purposes of renewal. I ask the Ecclesiastical Commissioners not to renew, they say, No, we leave it to the Archbishop; I ask the Archbishop; he says that he has no interest in it, and that substantially it is with the Ecclesiastical Commissioners; but the Archbishop's view is that he thinks there is some claim for another renewal.

4579. So that, in fact, the position of affairs seems to be this, that though the Commissioners might, in their own judgment, condemn the practice of renewal, or not resort to the practice of renewal themselves, still the property being in this position, that the Archbishop virtually has the management of it, the responsibility of renewal is put upon him?—It is so very much, and no doubt it would be better that the Ecclesiastical Commissioners who now have a veto upon the renewal, should be the parties to whom application should be made; but it would be better still that there should be a recommendation from this Committee that no further renewal should be granted.

4580. Lord *R. Cecil.*] Of any leases whatever?—Of any leases whatever.

4581. Marquis of *Blandford.*] Then so far as any discontent exists on the part of persons who view this large property belonging to the Church, and who feel that no benefit is derived from it, so far as relates to the Church the odium of that falls upon the Archbishop?—Now it does, because the Archbishop is thought to be the person in the management of it.

4582. Though the Ecclesiastical Commissioners have a veto, and might exercise that veto if they chose?—They might, certainly.

4583. Lord *R. Cecil.*] Who is the lessee?—Mr. Yeoman.

4584. Marquis of *Blandford.*] Have you considered at all what you would propose, under the existing state of the property of the Archbishop, taking this case

case as an example of many others?—It is very obvious, as a matter of business, that the sound course would be to stop the renewals altogether. You are immediately met by the difficulty, "What will you do with the incomes which depend upon the renewals?" The answer is obvious, "Borrow the necessary money to meet those incomes until the leases fall in; it would be readily borrowed upon the credit of the leases; and then, as the leases fall in, repay the money borrowed, and let the property be ultimately entirely free for the Church." This operation, the Committee will remember, was very largely acted on when Sir Robert Peel created his new districts; 600,000 *l.* was borrowed from Queen Anne's Bounty by the Commissioners to endow the new districts; and there would be no difficulty in making an arrangement in many ways to borrow money to keep up the incomes of those parties who depend upon renewals. But the miserable management under which the Church property is laid is exemplified by the Whitby case as one of the whole; there is no exception. Here is 2,800 *l.* a year of property, out of which the Church, including the Archbishop as well as the clergy, have only received 500 *l.* a year.

4585. Mr. *E. Denison.*] You have stated that if this property was held by a nobleman or gentleman the course would be obvious, namely, to stop all renewals; do you think that the Church is in a position to manage property in the same way that an individual nobleman or gentleman is in a position to manage it?—No; that is the misfortune of the Church; and the Ecclesiastical Commission, as I understand it, was created for the very purpose of relieving the Church from that state of paralysis.

4586. You have said that the course is obvious; that the course is that which would be taken by an individual; I ask you to put that into practical operation; you talk of business transactions; how do you propose to manage this property which is to be taken into possession?—It is not necessary that I should be able to define the mode of managing the property; but I will take the liberty of saying that there cannot be a worse mode of management devised than the one which is now adopted. Nothing can be worse than to leave the management of a property (taking the See of York as an instance only) in the hands of the Archbishop, when he has ceased to have any interest in the produce.

4587. That is one particular branch; but you are speaking of a much larger question; you are speaking of the abolition altogether of leases, and I presume the necessary consequence would be the resumption, in fee-simple, of this property; I ask you how you propose to manage that property?—What I should certainly propose would be this. In the first instance, it must be taken up by the Commissioners and managed through their agents; ultimately the Commissioners would allot to each parish, in lieu of an annual income out of the Commissioners' funds, tithe-rents or lands or property equivalent to the income that they grant them, and they would leave the incumbent of the place in the management of his own property; so that immediately you must take it up and manage it by a commission, because you cannot, in the first instance, arrive at the result; ultimately you would give it back into the hands of the Church, allotted in the proportions or livings suited to the spiritual necessities of the case, and would leave it precisely in the management of each clergyman, according to the share of the property which he held.

4588. But, considering the local disposition of this property, do you see the prospect of allotting to each parish, in such a manner that the clergyman of the parish could conveniently manage it, that portion of land which is to go in lieu of any payment or assistance in money which is now given?—Certainly; I know at present that in grants of Queen Anne's Bounty there are lands purchased 50 miles from the parish to which they are allotted, but there is a power of exchange in every instance; and where the Governors of Queen Anne's Bounty grant money for instance, they allow the clergyman to buy lands in his parish and lay it out. As I have said, in the course of the transaction difficulties will occur, but those difficulties will be gradually overcome, and ultimately, if an allotment is made to a parish in the north of land lying in the south, that land will become exchanged for land within the parish or within the range of the district, and to be under the management of the clergyman conveniently. You cannot make a great organic change without encountering very serious difficulties, but if the property be taken up after a business manner, with the intention of

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giving it back into the management of the Church, it may be well done, and ultimately done in such a way as to give perfect satisfaction.

4589. Then your proposal would be to deliver this property to the management of the Church, and you would not contemplate retaining large masses of landed property in the hands of any central board in London, who would have to divide the proceeds to different parties?—As a permanent arrangement, the keeping of great masses of property in the hands of a central board, is fraught with the gravest possible objection; it is always better to let the endowment of each church be in the management of its incumbent; it is safer from any political convulsion, and it is more satisfactory in its general results, as leaving no ground of grievance on the part of the Church against the management of its revenues.

4590. *Chairman.*] You have spoken of parishes; what would you do with regard to the incomes of bishops as bishops, and incomes of deans and chapters as deans and chapters?—The incomes of bishops might be ultimately allotted in the same way. It would require an allotment of property, of which the bishop by his agent might resume the management, just as bishops heretofore have managed it; but the system of the Church got so perfectly disorganised under the leases which were granted, and by the habit of depending for their income upon the renewals of those leases, that it required exactly that step which has been taken to unravel this confusion, and restore it to some kind of order again. You have interposed the Commissioners. It is very obvious that you did what was perfectly necessary, and you made the Commissioners masters of all the ecclesiastical revenues, excepting that you have not now made them masters of the revenues of the deans and chapters; and all the original mischiefs which attached to the bishops' property attach to the property of the deans and chapters, untouched by any arrangement which you have made of the Ecclesiastical Commission up to the present hour.

4591. Mr. *Wilkinson.*] Would your plan leave the management of this property in the hands of those who have only a life-interest in it?—Clearly; it must always be so in cases of church endowments; but when you deprive an incumbent of the power of affecting the property beyond the period of his own life, he cannot do any mischief; the confusion in your property has arisen from giving him the power of granting a lease beyond his own life and tying up his successors.

4592. When you talk of stopping all renewals, I suppose you would deal in some manner with the interests of those who have laid out money upon the property?—Certainly; but the worst possible mode of doing that is by granting renewals. It is very easy for the Commissioners to deal with every case of that kind. As I understand the matter, the Commissioners give to the lessee the option of buying the inheritance, or they will themselves buy out the lease. It is perfectly competent to the Commissioners, and it is their duty equitably where a man has built a mansion, for instance, upon part of the church lands in the amount which they take from him, or the amount which they give him, to consider that outlay; they have the power to do it now, and they can do it in the price which they take; but the worst possible mode of doing it, is to renew the lease, because it is continuing the mischievous system which they were formed to put an end to.

4593. Mr. *G. Butt.*] They would buy and sell at the same rent in the cases you have put?—Making an allowance for extra outlay from the purchase-money if they are selling, and the converse if they are buying.

4594. If they are buying, they would also take that into consideration in the sum which they would give?—They certainly ought.

4595. You have stated that it would be very desirable that the Commissioners should return to the church, in the way of rent-charge or of freehold land attached to the living, their income in that way?—Most highly desirable.

4596. You are asked whether the difficulty of managing the church property by the clergyman is not a circumstance which would militate against such an arrangement; you say, no; with regard to rentcharge, there can be no difficulty in managing it?—There is no difficulty whatever.

4597. That is merely the receipt of one of the most substantial and easily collected incomes which one knows of, is it not?—It is so.

4598. And as to land in the parish of the clergyman, he would have an inducement, being on the spot, and having an immediate interest to make fairly the most of it; if I understand you, he would be the best person to whom the

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care of it could be confided?—No doubt, and if he does not feel himself qualified to manage land, he consults some land agent at his elbow, and avails himself of his assistance.

4599. With respect to the rentcharge in question, you pointed out that the Archbishop, who has the management of this property in Whitby, has no interest, as he states, in the property?—None whatever.

4600. But that the application for a renewal is made to him, and then the Commissioners have to exercise a veto?—That is so.

4601. You were also asked whether a consideration should not be extended to lessees, so as to give them the benefit of renewal; can you explain how it has happened that a rentcharge of 2,800*l.* a year has been in effect sacrificed in the manner in which it has been stated to-day to have been sacrificed?—It is perfectly explicable; one incumbent grants a lease for 21 years; the next incumbent comes in, and he finds, perhaps, 15 years of that lease unexpired; he receives nothing until the lease falls in; he is glad enough to get an income by renewing the lease at any period when the lessee may ask for it; and the necessity of receiving an income from some source has laid the clergy under the necessity of renewing the leases at all risks. I have no doubt that the clergy knew, when they were renewing, that they were doing the worst thing possible to be done for the Church; but they must live, and if by previous bad arrangement of the property it is the only mode by which they can live, they are perfectly justified in making the renewal.

4602. Do you consider, in the case of such a rentcharge so renewed from time to time at the rate of 500*l.* a year, that there could be any claim; legal and equitable we know there is none; could there be any moral claim that the lessee should go on for years claiming that 2,800*l.* a year upon the same purchase-money of 500*l.* a year?—Not the slightest shadow of claim, legal, equitable, or moral. If a nobleman lets his estate for 21 years, and the tenant lays out 20,000*l.* upon it, the tenant knows what he is doing; he lays out the money, and at the end of the term the nobleman takes it back again; it is quite within his breast what allowance he shall make for the liberality of his tenant.

4603. In this case there is no laying out of money, but it is the simple case of a rentcharge; there has always been an understanding that a lessee should have a preference with respect to renewal (that is, to new leases) upon more favourable terms, perhaps, than the law would give him; do you understand that that has been because, from the nature of the property, there has been from early times a reasonable expectation of renewal, upon which reasonable expectation lessees from time to time may be supposed to have invested more money in improvements than they would have done if they had held an ordinary lease from you or from any other gentleman?—That is readily dealt with in a perfectly just and equitable and even liberal manner. Let the tenants, where those cases occur of extreme outlay show the circumstances to the Commissioners, and let the Commissioners consider them in the price of purchase or of sale; it does not necessitate a renewal; there is no necessity to renew in order to consider those claims.

4604. Could any such circumstances for consideration apply in the case of a rentcharge?—In the case of a rentcharge, it is perfectly impossible. You cannot improve tithes, at least the owner of the tithes cannot improve them; the owner of the land might increase them before they were commuted. You cannot improve tithes; you cannot lay out anything upon them. In the lease of the tithes there can be no ground whatever to ask for a renewal; but the fact is, that from the disarrangement of the property of the Church, the clergy have been compelled to renew; and the fact further is now, that from the property of the Church having got into most highly influential hands throughout the country, there has been a pressure upon Parliamentary Committees, and there is a pressure upon individuals, who have the power of renewal, to get the renewal made; but all this is a wrong against the Church, and it is a kind of interference which no nobleman or gentleman would for a moment listen to. If his neighbour came to interfere with a lease to his own tenant, he would very soon explain what the position of affairs was.

4605. Would the fact of this family having for 50 years enjoyed this property for a most inadequate consideration, be any reason whatever why the lessee should have it beyond the term for which the law most strictly would say that it was his?—It would be a most strong reason why he should have no renewal.

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4606. Mr. *Ingham.*] You are aware that as to chapter property, the old Act of Henry the Eighth prevents a dean and chapter granting any concurrent lease until the existing lease is within three years of its expiration?—I am aware that there is that law, but that law is evaded by the circumstance of surrendering the lease immediately prior to granting a new one.

4607. Are you aware that under the Statute of Henry the Eighth, a dean and chapter are precluded from granting a concurrent lease, until the existing lease is within three years of its termination?—No, I do not think that is the case; I do not think it applies to chapter property, because I know a case in the parish of Stoke Golding, where I have property, in which the Chapter of Westminster have renewed a lease, 14 years of which were to run at the time, renewing it for another seven years.

4608. I said a concurrent lease; are you aware that under the Act of Henry the Eighth a dean and chapter are precluded from granting a concurrent lease, that is, a lease to another person than the existing lessee, until the existing lease is within three years of its termination?—A concurrent lease is a second lease running at the same time as the first.

4609. A dean and chapter cannot grant a concurrent lease, except under those circumstances?—No; but the practice of renewal is obvious.

4610. It is not as to the practice of renewal, but it is as to the limitation upon the granting of a lease which the Act of Parliament has imposed upon chapters, by preventing their going to any other person than the existing lessee, until the existing lease is within three years of expiration; it gives that benefit to the lessee?—I was not aware of that.

4611. It is a benefit enjoyed by the lessee, but, as you say, the Ecclesiastical Corporation must either deal with him, or else they cannot get anything until his lease expires?—Quite so.

4612. Then that is a benefit which hitherto the lessees have enjoyed under the provision of an old Act of Parliament?—Yes.

4613. Are you aware, until within the last few years, when there has been some uncertainty hanging over the ultimate disposal of this property, what premiums have generally been given to persons holding these leases with these beneficial privileges, for the transfer of a lease from one person to another?—Every lessee deals with the property according to the annual value which it bears at the time.

4614. Do you know what has been the value in the market of a church lease of 17 years unexpired, when it was about to be transferred?—I know practically that church leases, up to a late period, were considered as renewable leases, and they bore a value in that character.

4615. According to your view of what would be proper and becoming, as you say that there is neither a just, a legal, an equitable, nor a moral right, you would sacrifice in the case of an innocent holder, irrespectively of any improvements which he might have made, all the premiums that he had paid for the possession of his lease, sanctioned by Act of Parliament for centuries?—No; that is not the position of lessee and lessor. The lessee was able to sell the land almost as an inheritance, because of the paralytic state in which his lessor was. There can be no inequity in restoring the lessor to the exercise of his own natural functions as the master of his own property; and no one can complain, that whereas the lessee could have got a larger sum for his lease if his lessor had continued incapable, he now gets a smaller sum, because his lessor is capable of managing his own estates.

4616. There are two parties to the bargain, the Church and the lessee; do you think it would be equitable for the State to step in, and improve the condition of the Church in dealing with its lessee, without any consideration to the interest which the lessee may hold, and the terms which he may have paid for the acquirement of it?—It would be most perfectly and obviously equitable in the Government, if they found the Church paralysed, to restore the Church to the exercise of its healthy functions; and no one has a right to blame them.

4617. *Chairman.*] Supposing this state of the church property to have continued for 300 years, do you not think it would be, and has been, regarded as equitable by Parliament to consider the claims of persons whose property had been acquired under that state of the law?—I think Parliament has so considered it. I think all parties who have been authorised by Parliament to manage church property have given some consideration to it also. But, most clearly, the long existence

existence of such a state of things does not alter the relative equities of the parties, the Church, as the owner of the property, has the same right that an individual not ecclesiastical, would have, if he had been under an incapacity. Suppose the case of a nobleman out of his mind, and suppose that we had no law which was able to constitute a manager of his estate, to act in his behalf, and that he is restored to his mind again after a certain length of time, nobody could turn out his tenants during his incapacity, but the moment he becomes capable, he can deal with his property as his own.

4618. Mr. *E. Denison.*] You do not put that as an analogous case, do you?—I think there is an analogy, but I am under correction.

4619. Mr. *G. Butt.*] This case would be analogous, would it not: suppose a gentleman in possession of his property, and that under the necessity of finding an income granted a very improvident lease; suppose that his heir did the same, and that it went on under the like pressure for several generations, would that be any reason whatever why a prudent man coming into possession of the estate should grant a lease upon such unfair principles?—I think not, indeed; we know the value of spiritual provision for the nation; we know the difficulty of making that spiritual provision commensurate with the wants of the nation. Ought there to be any hesitation in making the property of the Church available for that purpose, consistently with the legal and equitable rights of its lessees?

4620. I think the noble Chairman put to you, whether, in dealing with this property, having regard to the long usage which you have explained to have arisen from the position of the owners of the property, and the nature of the interests which the parties had in it, it would not be fair to consider the legal claims of the persons who had been lessees of such property during a long course of years. You are aware, I believe, that the statute of Henry the Eighth, which has been referred to by the honourable Member opposite, gives the tenant of Church property no particular right of renewal, neither a legal nor an equitable right of renewal, but that it merely restrains a clergyman from granting leases which, as the recital of the Act states, have been accustomed to be granted to the prejudice of the Church?—Or, rather, it prohibits an ecclesiastical corporation from dealing with any other person than its own tenant, and thereby puts it under greater incapacity than it would otherwise lie under in the management of its own property.

4621. It is both a restraining and an enabling statute?—Yes.

4622. Enabling the corporation to grant leases upon fair terms, and restraining it from exercising the right in a manner which would be prejudicial?—Yes.

4623. Mr. *Ingham.*] It gives the tenant the right of pre-emption of the lease; the corporation cannot deal with any other person, until it has dealt with the lessee?—It is equivalent to that; it is after that fashion.

4624. Mr. *G. Butt.*] It gives, with submission, no right of pre-emption whatever?—No; it is in analogy to the right of pre-emption; the tenant is the only party who can deal with the property in the way of taking it, until the lease is within three years of expiration.

4625. Mr. *J. A. Smith.*] You mentioned the case of an ecclesiastical person granting leases of 21 years of property, afterwards to be renewed; what motive do you think has generally operated upon him in doing so?—He may have had a premium for granting the lease, or he may have considered that, by granting a lease for 21 years, his property would be better managed, or that money would be laid out in improving it.

4626. Do you not believe that in all cases he received something which he conceived to be an equivalent for that which he granted?—Of course he would receive what he considered an equivalent for the lease which he granted.

4627. In considering that equivalent, was not the fact of renewal taken into calculation?—I should think not at all.

4628. Why not?—He would grant a lease for 21 years; *non constat* that he does not live out the 21 years and resume the property.

4629. If the practice, as we believe, was, that it was to be renewed at the end of seven years, that practice of renewal would form part of the calculation, would it not?—It may or may not have done so; I do not think that he could have done so, as matter of calculation, in granting the original lease, because an incumbent granting a lease for 21 years may himself live out the lease and resume the property.

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4630. But if he had a strong motive, at the end of seven years, for granting a renewal, if it placed fresh funds in his pocket, he would have as much interest as his successor in doing that?—It depends entirely upon what value he places upon his own life. If he considered himself likely to live out the 21 years, of course he would not renew.

4631. If he did not, he would have a strong inducement to do so?—He would.

4632. If that habit of renewal was taken into consideration in calculating the amount of money received as an equivalent by the person who originally granted that lease, will not the holders of church property have a claim for the consideration of that long tenure, if you take the property away from them?—Every person who formed an expectation that the lease would be renewed at the end of seven years would be legally advised that he had no other security for it than the circumstances of the church, and one incumbent succeeding another; he could not possibly anticipate that that renewal would be without hinderance or without interruption; it is liable to the interruptions which I have stated. A young man comes into an incumbency, and would say, "No, I shall not renew; I shall have this property and lease it to my own family." Every lessee when he took his first 21 years' lease, must have been advised, if he were a considerate man, that that might result; he knew the chance of it, and he took the chance of it.

4633. You think it is not possible that the fact of renewal entered into the calculation of the original grantor of the lease for 21 years?—I think it is not at all likely. I believe that the church fell into the habit of these leases without consideration of the consequences of the leases, from the mere necessity of getting tenants, and letting their property, and that the disorganisation has arisen unforeseen.

4634. Do you know at all what, at Whitby, or in that description of property, was the market value of church leases for 21 years, with the understanding, or the hope, or the expectation of renewal?—I do not.

4635. Do you know what has been generally the market value in England of such leases?—I do not remember as to the number of years' purchase, but I know as a fact that those leases did bear a very much higher value ten years ago than they bear now.

4636. To what do you attribute that?—To the fact that people now apprehend that renewals will not be given them, and therefore they will not buy such property upon the chance of renewal.

4637. My question related to the former practice; to what do you attribute the fact of such leases commanding a larger number of years' purchase than other leases?—No doubt that arose from the fact, that every one who bought such a lease regarded the chances as very much in his favour of his getting the lease renewed, from the circumstance of the incumbents desiring to take the sums paid for renewal at the end of seven years, instead of waiting till the end of the 21.

4638. Do you think that the long-continued custom had anything to do with it?—Not at all. If a person buys property he looks to its value, and if there is any habit upon which he can rely he puts a further price upon that custom.

4639. Was not that custom existing throughout England as influencing the value of this description of property?—It influenced the value, but throughout the whole of my experience of business matters, there never was a time when these leases were not constantly run out by one incumbent or the other.

4640. *Chairman.*] Cases have occurred where ecclesiastical corporations have run out the leases and granted new leases to members of their own family?—Constantly. The preceding Archbishop of York, Archbishop Sharpe, found that two lives in a three-lived lease dropped; he thought his own life better than the remaining life, and he would not renew; it fell in, and he granted it to his own family. That is the case with the tithes at Doncaster, where I reside.

4641. Sir *J. Graham.*] With respect to the case of the Whitby lease, have you looked very narrowly into all the circumstances of it?—No, I have not looked narrowly into it; I only know from the information of the parties in the town.

4642. How long has it been in the family of the present lessee?—I apprehend 70 years, and upwards.

4643. Have

4643. Have you been able to trace for those 70 years what the fines paid upon each renewal were?—Not during the whole period.

4644. Have you been able to trace what the first fine was?—No.

4645. Is it susceptible of proof?—Perfectly; from the archives of the Archbishop of York.

4646. You have been asked whether the original fine paid by the lessee at the commencement of his lease, did not cover the extra charge on account of the value arising from the probability or certainty of renewal; would it appear that at the commencement of this lease 70 years ago a large sum was paid?—I should not at all anticipate it.

4647. If it were not so, the periodical renewal for 70 years has been on easy terms?—Not only easy, but very advantageous indeed to the tenant.

4648. Taking those circumstances into consideration, should you say that there was any equitable, legal, or moral injury inflicted upon the present lessee, he and his ancestors having enjoyed that lease for 70 years, in now running it out?—Not the slightest; and if the contrary were done, it would be a great damage to the Church; but the lease will certainly be renewed, unless this Committee interposes; as certainly as we sit here, that lease will be renewed, unless this Committee give some recommendation upon the subject.

4649. Then, according to your view, either on equitable, legal, or moral considerations, no injury would be inflicted upon that lessee by running the lease out?—Not the slightest.

4650. *Chairman.*] The income which the Commissioners are bound to pay to the Archbishop of York, we will say, is 10,000 *l.* a year. Supposing this lease not to be renewed, they would have to make up that 10,000 *l.* a year, and perhaps would not have the means of making it up from the property of the See; what would you propose in that case; would you propose that they should obtain a loan for the purpose of making up that income?—I think that there ought to be a general consideration of all leased church property, and there ought to be a determination at once not to renew the leases any further, but to provide by loans for the expenses and incomes which would otherwise be met out of those leases, until the leases themselves furnish a sufficient fund for the income. There is no difficulty in the arrangement as a pecuniary arrangement, and it is obviously for the interest of the Church that it should be done.

4651. Mr. *Ingham.*] How would you carry out the intimation of the Legislature that the interest of the lessee, from the long-continued practice of renewal, ought to be considered?—I have mentioned, I think, before how I would carry it out.

4652. You talk of running out the lease; you do not say anything about altering the conditions more favourably?—Perhaps the Honourable Member may not be aware that there is going on in the hands of the Ecclesiastical Commissioners continually this process: if a lessee desires to buy an inheritance, they will treat with him; if he desires to sell his lease, they will treat with him; so that they will either sell to him, or they will buy from him; and it is quite practicable that the Commissioners should, in those transactions of either buying or selling, consider any peculiar case of hardship if one can be proved, but it ought to be proved before it be compensated.

4653. You speak of considering a particular case of hardship, but is that the language of the Legislature, that we are to consider a particular case of hardship; they say that we are to consider the long-continued practice of renewal, which has existed 70 years in the case of this lease, according to your own statement?—I am not aware that the Legislature have given legislatively any intimation beyond this, that where a lease is less than 21 years, they think some consideration ought to be had for the claim of the lessee in case of his buying or selling.

4654. Marquis of *Blandford.*] Your view is, that not only should the interests of the lessees be considered as one point of the question, but there is another very important one, which is, that it is to the property of the church that we must look at the source from whence the spiritual wants of the country may be supplied?—That, of course, is an overwhelming reason why you should make the most of the property of the church; but in making the most of the property of the church you should most clearly consider every equitable claim and every moral claim upon it; and I conceive these might be considered by the Commissioners in their dealings with the several lessees without any necessity for renewing the lease.

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4655. You consider that a settlement should be come to of this question, in order that, with all due regard to principles of equity, as large a proportion of property as possible may be put into the hands of the Commissioners, viewing the great spiritual necessities of the country?—Certainly, and it is a melancholy fact that for so long a series of years, even after the first step was taken in appointing the Ecclesiastical Commission to remedy the confusion to which I have alluded, committee after committee should have met without taking that straightforward business-like course which one would have thought would have suggested itself to them in the first instance, namely, to stop the indiscriminate renewals of leases, compensating every fair case of hardship in a proper way, but reducing the church property into the possession of the Church that it may be made fully available.

4656. Sir *J. Graham.*] Applying your limits of moral and equitable considerations, does any difficulty present itself to your mind in refusing the renewal of the Whitby rentcharge lease?—Certainly not.

4657. Mr. *G. Butt.*] Admitting, as everybody does, that you must take into consideration what the lessee has invested in the property for improvements, and perhaps giving also, if he is buying or selling, the turn which the expectation of renewal would justify from the course of practice, can you predicate, in this case of a rentcharge, any circumstance whatever which would give the lessee of that rentcharge a scintilla of claim to be considered against the lease running out?—The thing is impossible, unless gentlemen should invest the family expectations of a property with some degree of moral right.

4658. If a man or a family has for 70 years received an easy 2,800 *l.* a year, paying for it 500 *l.* a year, does not that negative any suggestion of the case being entitled to consideration?—I think so, indeed.

4659. From the nature of the case?—I think so, indeed.

4660. Mr. *Wilkinson.*] Of course you are aware of the case of the sub-lessees of church property?—Yes.

4661. In the case of land which the lessee has sub-let, and on which the sub-lessee has laid out considerable sums, I suppose you would consider that in dealing with it, either by enfranchisement or otherwise, the interests of the sub-lessee should be considered; is it your opinion that he should have the power of enfranchising that property rather than the lessee?—I think he ought to be considered, certainly; but you must throw the fact of the money which the sub-lessee has laid out into the scale of the original lessee, so far as regards the terms of dealing on the part of the Ecclesiastical Commissioners.

4662. The sub-lessee has taken the property upon a covenant in the lease, that he is to hold that property at the same rent, so long as a renewal takes place?—In that case he stands in the place of the lessee.

4663. He has to pay the fines?—He practically is the lessee.

4664. Supposing that arrangement to be made with the Church, to what extent would the interests of the sub-lessee run; would they run at all beyond the term of his lease?—If you stop renewals, of course the lease falls at the end of the term; any sub-lease that may have been made will be necessarily determined also; but in the case which you put, where a man has a sub-lease, stating that he shall continue to hold so long as the original lessee holds, that man is, as regards the interest which he holds, in the place of the lessee, and ought to be dealt with as such.

4665. He pays the fines?—He pays the fines.

4666. Supposing the case of enfranchisement, and that he should be allowed to enfranchise his property upon payment of these fines, in what condition would the lessee be; would he have any interest beyond the term of his lease?—No, certainly not; but I think that a lessee who has granted a sub-lease, and has covenanted that so long as he, the lessee, holds the lease, the sub-lessee shall hold his lease, has practically parted with his entire interest in that portion of the property which he has so sub-let.

4667. He is in point of fact in receipt of a rentcharge?—Yes.

Mr. *Luttrell Lewin Clark*, called in; and Examined.

Mr. *L. L. Clark.*

4668. *Chairman.*] THE Committee understand that there are certain points in the existing legislation upon the subject before them to which you are desirous of alluding; what Act do you wish to refer to?—The Act of 1854. It is apprehended that the enabling powers given to trustees fall short in their efficacy; that it

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it was intended to create authorities which in fact have not been followed out operatively, in the words of the clause. I will point out what is meant by that, if the Committee will permit me.

4669. Sir *J. Graham.*] Which is the Act to which you are referring?—The Act of the 17th and 18th Victoria, chap. 116, section 3, is the clause in question. It is very short, and is in these words: "In any case in which the legal estate and interest under any lease or grant made by any such Ecclesiastical Corporation may be vested in any person or persons in trust for any other person or persons, according to the limitations of any will or settlement where such will or settlement" (it confines it to the will or settlement creating the trustees) "contains a direction or power to such trustees" (again fixing the same trustees) "to raise money for the purpose of procuring a renewal of such lease or grant, it shall be lawful for the same trustees to raise money," and so on. Now I apprehend that the limit of that power is to a trustee created by the will or settlement, and that the power must be exercised by the same trustee under the same will or settlement, and that he must have the power to enfranchise gathered under that same instrument.

4670. Mr. *G. Butt.*] Do you mean that it must be the same person?—Or his representative; his assign, if you please. I do not mean the individual trustee.

4671. Or a substituted trustee?—Yes; that does not at all alter my meaning. I am interested in an episcopal leasehold estate of very considerable magnitude. My client is operated upon largely by the results of the present law, and will be affected by what may emanate from this Committee; the particulars of this case will furnish an example which I would beg to submit. It is this. A lease was granted to a trustee under the powers of a will coming into operation in the year 1804. The powers in that will, amongst others, contained authorities to renew. To that point this clause is concurrent with what is desired. But since the grant of that lease a recovery has been suffered, and a *quasi* entail, which was extending over the property, has been destroyed. The powers under that will are annihilated, and nothing is left in that trustee but a bare legal estate. The owner after having acquired these new interests, made them the subject of his marriage settlement. He created totally new powers; he has given to fresh and other trustees who have no devolution whatever from that first trustee, the present powers for raising monies to renew. These subsequent trusts are all equitable; the only legal interest is in this naked bare trustee, who has nothing but his naked bare trust estate unsupplied or unassisted by any operating power; the operating power is in the new trustees under the equitable settlement. Hence, if I am right in my deductions (of course I state this very deferentially) the trustees now having the powers to raise the money to enfranchise have not got the legal estate; they are not acting under the will or settlement constituting the trustee who has got the legal estate, and if my reasoning holds, we do not supply any one ingredient which this clause calls for when we seek to claim the benefit of this Act for enfranchisement. Then there would be another difficulty which I think would beset us. First of all, this trustee being but the owner of the naked legal estate, would not, in all probability, when called upon, raise the money; and if it should be argued to him that he might do so, he would say, "No, I have nothing to do with it." Nor could he be compelled; next mortgagees would scarcely lend to him. Therefore, I would suggest to this Committee that the powers should be more extended, and that, as is the case in very many Acts of Parliament, it should be provided that trustees should have the power without limiting it to such trustee, or the legal trustee, or annexing conditions to the operation of the Statute.

4672. *Chairman.*] Do you think that these new trustees, in such a case, are the persons who ought to have the power?—Yes, conjointly with the man having the legal estate, who is a mere conduit pipe to convey, and who must concur; but the legal trustee is, I may say, as a mere dead man.

4673. Mr. *G. Butt.*] How can that be. Here is the trustee of a legal estate. The trustees for those beneficially entitled are equitable only. Is not in such a case the legal trustee, who you say is a conduit pipe, bound in equity to do all that he would have to do, that is, to concur with the equitable trustees, just as if the bare legal trustee were the trustee appointed directly under the will?—In a Court of Equity I would quite concur in all that is said; but, looking at this clause as the guide, and the sole guide, on which trustees must act, I am afraid that this clause would be in the face of that, inasmuch as the legal trustee who is called upon to concur with these trustees has nothing to do but to carry the legal estate with him; he has no powers; whereas the trustees who have the power to raise

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money for fines are not authorised by this clause to do so for enfranchisement*.

4674. How can there be any difficulty; have you had any legal opinion suggesting any difficulty?—I have discussed it with several legal friends.

4675. But you have not taken any opinion?—I have not taken any opinion, but with great submission and deference I feel very strongly upon the point.

4676. Can there be any doubt that the bare legal trustee as the heir-at-law of the previous trustee, as is the common case, would be bound to do all which the original trustee would do; you say it would be good in equity; equity is the only place in which the question of trustees would arise; not at law?—Yes; but over-riding the general principles of equity comes this particular statute, and this particular statute says that the legal trustee shall do certain things which he has not under the trusts the power now to do, for the powers which he had are annihilated by the recovery. The present powers are of a new creation.

* *Vide* Further Statement of Mr. L. L. Clark, in Appendix, page 222.

4677. *Chairman.*] Have any words occurred to you by which you think the difficulty could be got over?—Yes; I think it could be easily met.

4678. Will you put in such words?—I have not the exact words which I should propose, but I should say, that the trustee or trustees, in whom shall reside the authority to renew, shall with all proper parties, and so on*.

4679. Mr. *E. Denison.*] Is there not another difficulty to which you wish to allude?—I was about to name, upon the evidence which I have heard to-day, a case bearing very markedly upon what fell from the two gentlemen who have been examined; it shows the equity which is administered by the Court of Chancery in kindred cases to those instanced. In the town in which I live, which has a population of something like 5,000, I should say very nearly two-thirds of the household property was held upon renewable leases under the corporation; the lessees had but one term of renewal under a covenant in their lease. The practice had been against the literal and legal structure and interpretation of that covenant. The renewals had in practice been as in perpetuity. Those houses had formed, as is the case with the ecclesiastical leases, the subject of wills and settlements of individuals and families. On the passing of the Municipal Corporations Act it became necessary to define more distinctly than before the several rights of the parties to municipal property; and hence arose an information in the Court of Chancery, which, after a very long litigation, terminated at last in an arrangement and a reference to the Master in Chancery to frame a scheme, and to approve of a Bill, which should be carried to the House to be passed into law. The whole case was litigated and debated very strongly before the Master; his report was excepted to; it was argued for several days before the Lord Chancellor; the Attorney-general came in, and the sequel was, that an Act of Parliament was passed containing recitals, showing that the Court of Chancery, sitting in its character of arbitrator, if I may so say, in the Master's office, had affirmed the equitable claim of these tenants to a perpetual renewal. If the Committee will permit me, that I may not mislead them or myself, I will leave a copy of that Act with the clerk. I will read the recital.

4680. Sir *J. Graham.*] What is the case?—It is the Ludlow Estates Act; the name of the case is The Attorney-general *v.* The Corporation of Ludlow.

4681. *Chairman.*] Is it reported?—I rather think it is; but you may not find this Act, because it was a private Act.

4682. Mr. *Ingham.*] Will you give me a reference to the Act?—The Act is the 10th of Victoria; the royal assent was given on the 27th of July 1846.

4683. Sir *J. Graham.*] What is the title of the Act?—"An Act for carrying into effect an Agreement respecting the Estates of the Corporation of the borough of Ludlow, and other Estates vested in the said Corporation, in trust, either partly or in whole, for certain charitable uses, and for appropriating certain Estates to the Charity hereinafter mentioned, and declaring the Trusts thereof; and for making provision for payment of the debts of the said Corporation, and other purposes." This Act contains enfranchising powers which are compulsory upon the corporation; the corporation had contended for the contrary, and claimed to hold themselves the scales, and to adjust those cases which they would admit to enfranchisement and those which they would not. The terms of the enfranchisement also were embodied in a scheme which is affixed to the Act, and which was settled by Mr. Morgan of the Equitable Insurance Office. There is this short recital: "And whereas the proprietors of houses, buildings, gardens, lands, and hereditaments held under such leases have on the faith and by reason of such usage of renewal,

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renewal, considered and dealt with such leasehold houses, buildings, gardens, lands, and hereditaments, as if perpetually renewable, and as of the value of freehold estates, subject to an outgoing in respect of the ground-rents and fines." That was the principle which pervaded the settlement of this Act, and was the basis of its conclusion, subject to the sums which were to be paid in accordance with Mr. Morgan's scheme.

4684. The fact there alleged is, that the leases are held to be equivalent to freeholds on account of the right of perpetual renewal?—Not the right.

4685. What are the words?—"Have on the faith and by reason of such usage of renewal, considered and dealt with such leasehold houses, buildings, gardens, lands, and hereditaments, as if perpetually renewable."

4686. Mr. *G. Butt.*] There was an agreement come to, which that Act enforced?—Yes; but the right was only one turn of renewal.

Veneris, 30° die Maii, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir George Grey.	Sir William Heathcote.
Sir John Pakington.	Mr. J. A. Smith.
Marquis of Blandford.	Lord Robert Grosvenor.
Sir James Graham.	Mr. George Butt.
Mr. Walpole.	Mr. Mowbray.
Mr. Ingham.	

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

The Right Honourable *Spencer Horatio Walpole*, a Member of the Committee, Examined.

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4687. *Chairman.*] YOU are a Member of the Ecclesiastical Commission, and also of the Estates Committee?—Yes.

4688. What was the date of your appointment as such?—January last, upon the death of Mr. Goulburn.

4689. Without wishing to commit you to any final judgment upon the matters on which you may be examined, it would be satisfactory to the Committee to know your opinion, and that of the Estates Committee, upon what has been done, and what is likely to be done for the future. The Lords' Committee reported, "That it would be more advantageous to the good management of the land, and would tend to the more effectual development of all its powers, and at the same time promote the interests of the lessors and of the lessees, if the beneficial ownership of the Church property which is now divided between the Church and its beneficial lessee, should in some cases be wholly vested in the one, and in other cases in the other, according to the circumstances of the property." Have the Ecclesiastical Commissioners and the Estates Committee been carrying into operation that intention of the Lords' Committee?—Yes, fully; and they do it in this way, namely, that with regard to the reversion they offer to sell it to the lessee of the property; with regard to the lease or the immediate interest, they offer to buy it, and they offer to buy upon the same terms as they offer to sell. The consequence is, that the lessee in all cases has an opportunity of exercising the right either of sale or of purchase upon equitable terms.

4690. Do the Commissioners approve of the sale of reversions where there are as many as three lives remaining in the lease?—I think, that with regard to the sale of reversions, where there are as many as three lives remaining in the lease, the Commissioners, if applied to, would not refuse such a sale; and in that as in other cases it becomes a question of calculation, as to whether the Commissioners are or are not making an advantageous sale. But I may say, that in all the cases which I have seen before me since I have been a Commissioner I have every reason to be satisfied that the computations made are of such a character that the Church is not a loser by the sales.

4691. Supposing the highest price to be received, or even beyond the actual value

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which any actuary would set upon a property which could only come into possession 50 or 60 years hence, is it not an improvident contract to part with the fee-simple on the part of the Church?—I should have said, that in some cases it would have been advisable, certainly, to have retained the fee-simple and to have run out the lease; but then it must be remembered, that in consequence of borrowing that large sum of money, namely 600,000 *l.*, from Queen Anne's Bounty Fund, it was necessary to recoup to the common fund, from time to time, such sums of money as would enable them to have a balance instead of being in debt until that sum was fully satisfied. That object has been accomplished in two ways principally; the one is by the value of the suspended canonries coming into the possession of the Commissioners, and other property of that description; and the other is by obtaining sums of money as the price of the reversions which the Commissioners have sold.

4692. Is that object now being effected; will there be a balance this year in favour of the Commissioners?—By the end of this year there will be a small balance, probably between 4,000 *l.* and 5,000 *l.*, in favour of the Commissioners.

4693. Are you of opinion that when that change has taken place, and the balance is in favour of the Commissioners, there should be less readiness to sell reversions where the interest is for so long a term as for three lives, or even for two lives?—I think there should be a discretion left in the Commissioners, but I think, also, that the Commissioners should be very guarded in the exercise of that discretion, inasmuch as it might induce a suspicion on the part of the lessees that they were not going to be dealt with so advantageously as they had been dealt with before. So long as you offer an opportunity either of selling or of buying, they can have no just ground of complaint against the Commissioners.

4694. What is the case with respect to leases of lands for terms of years?—With reference to leases of lands for terms of years, and also with reference to tithe rentcharges, which your Lordship will recollect are put upon the same footing by the Report of the Lords' Committee, the practice in the Commission has been, in pursuance of the Report of the Lords' Committee, to give one renewal, which, in point of fact, is equivalent, generally speaking, to seven years more of the lease.

4695. And that renewal having been granted, then to allow the lessee to enfranchise?—To allow the lessee to enfranchise.

4696. Is that renewal granted in case the lessee does not propose to enfranchise?—I am speaking under correction. I am not quite certain, but I think it is so. Yes, I find that I am right. That is the practice now; that is to say, where the property is vested in the corporations, and not vested in the Commissioners. Where the property is vested in the Commissioners, the Commissioners retain it.

4697. Do you think it wise to effect sales of reversions where only one or two lives remain in the lease?—I think you can hardly avoid it in many cases.

4698. The Lords' Committee, in one of their resolutions, state, "That although according to the ordinary practice, arising from the temporary nature of the interest of the bishops and members of capitular bodies, Church leases have been generally renewed on terms so favourable to the lessee as to have been termed beneficial leases, yet the bishops and capitular bodies have exercised from time to time unquestioned acts of ownership over the property thus leased, negativing completely the existence of any such obligation to renew." They then state in what manner this has been done. Do the Commissioners concur in that opinion?—I think the Commissioners are precluded from concurring in that opinion, or rather from acting upon that opinion, inasmuch as the Lords by their Report distinctly recommended, if you will look at page 6 of that Report, "That, as regards leases for years, which are reduced below 21 years, the lessee shall have the option, before enfranchisement or surrender, of one more renewal for seven years, at the rate of fine at which he has heretofore renewed." That recommendation of the Lords' Report was followed up by an Act of Parliament, the 17th & 18th Victoria, chapter 116, in which the Legislature has said that, "In computing the due regard to be paid to the just and reasonable claims of the present holders of lands under lease or otherwise, arising from the long-continued practice of renewal, the basis of compensation may, at the discretion, and with the approval of the Church Estates Commissioners, be that laid down by the Episcopal and Capitular Revenues Commissioners, in their Report of 1850, or according to the recommendations laid down in the Lords' Report on the same subject in 1851." The Lords' Report, therefore, which operates as a recommendation on the part of the Lords to the Commissioners, as to how they should act, being subsequently ratified, as I may say, by the Act of Parliament, would seem to preclude the Commissioners

Commissioners from running out the leases without offering the opportunity of one more renewal.

4699. One more renewal having been granted, do you think that, in case of a subsequent enfranchisement, the lessee would have no claim to any further renewal?—I am inclined to think that there is really no claim after that intimation made by the Lords' Report, and recognised by the subsequent Act of Parliament, and in my opinion any legal or equitable claim on the part of the lessee after that one renewal may be considered as gone.

4700. You consider that, therefore, as a settled point, both as regards the Act of Parliament and the conduct of the Commissioners?—In giving that answer I was giving my own individual opinion; and I wish it to be understood, that I have not consulted my colleagues upon that particular point.

4701. Do you think it wise that corporations not under the control of the Commissioners should continue to renew leases by way of fine?—There, again, I do not well see how you can avoid it, for the same reason. I think that this report, confirmed by the Act of Parliament, has so far recognised the *quasi* right of the tenant to renew, that I do not see how you can well avoid the payment of a fine to those chapters which are still in possession of the property, that property not having been transferred to the Commissioners. Your Lordship will observe that it would be the same thing in effect whether you renewed by fine or whether you made some other arrangement. If you renew by fine, the fine will go to the chapter, and make up a part of the revenue which the Commissioners have to find them. If you do not renew by fine, the chapter are still entitled to the revenue, upon an average of years, to which they were entitled before; and consequently it will come out of the common fund.

4702. Would not the Commissioners think it desirable, if their funds were sufficient for the purpose, to supply the chapters with their ordinary revenue, without their having resort to fines?—I think that is very desirable; but I rather concurred in the opinion of one of the witnesses here (I think it was Mr. Smith), that as it is going on so well voluntarily, any constraint put upon them might interfere with that which is really working well at this moment.

4703. With regard to various objects which are in the view both of Parliament and of the Commission, namely, the putting an end to the system of fines and dividing, as the Lords' Committee recommend, the property, one part to be wholly vested in the Church and the other wholly vested in the lessee; with regard to the object of supplying spiritual destitution, and with regard to the object of satisfying local claims, is there not considerable difficulty in the future position of the Commissioners?—I think the difficulty is enormous upon that particular subject, and in order to explain that difficulty, perhaps, with your Lordship's permission, I may clear the way by stating what has been the practice of the Commission with reference to local claims, which will enable the Committee much better to judge whether any alteration should be made in that practice in future. Your Lordship will recollect that by the 3d & 4th Victoria, chapter 113, section 67, the whole of the property vested in the Commissioners was, by the provisions of that section, (I am now dealing with the section independently of the proviso), to be applied "for the cure of souls in parishes where such assistance is most required, in such manner as shall be deemed most conducive to the efficiency of the Established Church." It is clear, therefore, that at that time the Legislature considered that the great object which the Commissioners were to have in view was, out of any funds which were in their hands to provide for the cure of souls in parishes where assistance was most required. But the Legislature added (I believe upon your Lordship's recommendation) a proviso to that clause. The proviso is, "That in making any such additional provision out of any tithes, or any lands or other hereditaments allotted or assigned in lieu of tithes so vested or to be vested in the said Commissioners, or out of the rents and profits thereof, due consideration shall be had of the wants and circumstances of the places in which such tithes now arise or have heretofore arisen." The Legislature, therefore, made an exception to the general direction which they had given before as to the application of the funds of the Church, to those places where assistance was most required; but that exception was confined strictly to the case where the property arose from tithes. I apprehend the difference between the two in the mind of the Legislature was probably this, that since tithes were given to provide for the spiritual wants of the place originally, where those tithes are found, there the place itself has a local claim in respect of such tithes; but where property was given of a

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general nature, whatever it might be, not for a particular place but for the benefit of the Church generally, it was reasonable and right with regard to populous places which wanted assistance for religious purposes, when there were different claims on the part of the Church generally, that that which in fact was a general fund should be generally applied for the purposes of the Church. Looking at these Acts of Parliament, and at the proceedings which have taken place in consequence of these Acts of Parliament, I cannot feel a doubt in my own mind that that was the principle upon which the Legislature acted at that time, and I think the principle was not an unsound one. But then comes the very difficult question with reference to those tithes which are not actually in possession, leases of which are still outstanding; and the dissatisfaction occasioned by the non-reception of those tithes until those leases shall have fallen in. Now those may be tithes of two kinds; they may be tithes which are purchased by the Commission, or they may be tithes which belong to the Commission without purchase. If they are vested in the Commission by purchase, it is perfectly clear that the Commissioners, out of the common fund, that is the general fund for the general purposes of the Church, have applied a portion of that general fund for the purchase of the property which has a local claim upon it. Supposing that you recognise the local claim immediately after the purchase was so made, *pro tanto* you are diminishing the general fund which was intended by Parliament to be applied for the general purposes of the Church. The Commissioners, therefore, I conceive, in that case could not properly (and that certainly would be my opinion upon the clause of the Act of Parliament) apply the tithes, which really represented the lease so purchased, to the local claim, but they must apply them in satisfaction of the fund out of which the purchase-money had come. Then with regard to tithes which have not been purchased; tithes which have come into their hands as a part of the property, we will say of the chapters; the same case would again arise, for as long as the chapters are not receiving out of their own property the full amount of that which the Legislature has declared they are entitled to receive, you must take from the common fund the difference to make good that which the chapter is to receive, and consequently in that case also, if you have recourse to those tithes to satisfy the local claim, you are diminishing the means of satisfying the demand which still rests upon the common fund. Now I do not know whether I am clear in that explanation, but if I am, I think I can not only illustrate it but show to your Lordship, that at any rate, with reference to the past (and I am now only speaking with reference to the past), the Commissioners could not otherwise have acted. Since this Act of Parliament was passed a mandamus was applied for on the part of the parish of Elloughton, in Yorkshire, to have the profits of land allotted in lieu of tithes, the reversion of which had become vested in the Commissioners and had been sold by them for the benefit of the parish. The present Attorney-general obtained a rule *nisi* against the Commissioners to apply the proceeds in that way; the parties came to the Commissioners, and the whole case was fully considered. It turned out that there was a lease outstanding; that there was a reserved rent, and that the land had not been in the possession of the Commissioners. But with reference to the reserved rent, that is to say, with reference to the only property which the Commissioners had in hand, the Commissioners had applied the whole of it, in satisfaction of the local claim. Under these circumstances, Sir Frederick Thesiger was to have argued the question on behalf of the Commissioners, when application should be made to make the rule absolute; but so satisfied was the Attorney-general that the law, as laid down in this Act of Parliament, required the Commissioners to apply the tithes for the benefit of the parish from which they came only in the event of their being in possession of the tithes, that that rule *nisi* was discharged. The Commissioners, therefore, I consider, have got the sanction of the highest court in this land for the interpretation they have put upon the Act of Parliament. As I said before, whether that, prospectively, may be a good and advantageous, or not a good and advantageous arrangement, of course is a different question.

4704. To take a particular instance, with respect to the case of Whitby, with regard to which you have heard the evidence given, it appears that that is a lease of a tithe rentcharge for 21 years, of which 14 years, or somewhat more, are unexpired. Suppose that lease to be renewed for seven years more, any local claim at Whitby must be deferred for a further period. Would it be right in the Commissioners to sanction, supposing the archbishop applied for it, the renewal of that lease, and thus to disregard, for 21 years, instead of 14, the local claim of Whitby?

—Again,

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—Again, with your Lordship's permission, I would answer that question with reference to the past, and also with reference to the future. With reference to the past, I think the Commissioners could not properly do otherwise than renew that tithe rentcharge, for this reason, that the Lords' Report, in pages 5 and 6, has put tithe rentcharges, with reference to renewals, upon precisely the same footing as the renewals of leases of lands; that Report, as I have mentioned before, has been ratified and recognised by the Act of the 17th & 18th Victoria, section 11. With reference to the past, therefore, I think myself that, supposing the Archbishop of York had applied for a renewal of the lease of that tithe rentcharge, the Commissioners could not have acted otherwise, consistently with their practice, and consistently with the Act of Parliament, than to have consented to the renewal of that tithe rentcharge.

4705. Sir *James Graham.*] Will you read that recommendation of the Lords' Report?—The Right Honourable Baronet desires me to read, which is very important, the 11th recommendation in the Report of the Lords' Committee. By that recommendation it is said, "That leases of this description in consequence of this expectation of renewal, have in various parts of the country sold at a considerably higher value, as compared with the fee, than would have been the case had not such expectation existed, and have also become the subject not only of mortgage, but of settlement and devise, with limitations to children and their posterity, indicating a strong impression of the certainty of their continuance, and that under the like impression, permanent improvements have been made by the lessees on this description of property." That reason, the Committee will perceive, applies to the leases of tithe rentcharges as well as to the leases of lands. Both of them have been made the subjects of settlement, and consequently I conceive the Lords' Committee considered that both ought to be put upon the same footing, and that one renewal ought to be given to both. There is undoubtedly a distinction between the leases of tithe rentcharges and the leases of lands, which, I think, the Lords' Committee did not sufficiently consider, and the difference is this. With reference to tithe rentcharges no expenditure of money had been made by the lessee, and to that extent there was a diminution of that *quasi* right of renewal which the Legislature has recognised in these Church leases. With reference to leases of lands, a large expenditure had been made, and that unquestionably increased the equitable claim, at any rate, of the lessee to consideration on the ground of that expenditure. The Lords' Committee, however, I observe in their report, take no notice of that distinction. Whether any notice ought to be taken by this Committee, and subsequently by Parliament, of that distinction is, I conceive, one of the most difficult questions which this Committee and Parliament can have to determine. Speaking here as one of the Ecclesiastical Commissioners, I hardly think it would become me to give an opinion upon it, for this reason. Of course it is for the benefit of the Church that the leases of tithe rentcharges should not be renewed, and I may be supposed to be looking more especially to the interests of the Church alone. What, therefore, I wish to do is to submit to the Committee the distinction between the leases of tithe rentcharges and the leases of lands, and to leave to the Committee to determine whether such a distinction shall be recognised in any recommendation which they shall make as to the cessation in future of the leases of those tithe rentcharges. But I ought also to state, that since the tithe rentcharges have always been looked upon in the same light by the lessees as the lands held by the lessees, and since this kind of confirmation has been given to that view by the Lords' Report, they may consider that they have this claim, and they may therefore try to impede the future operations of the Commission if a distinction is in future drawn between them and the lessees of lands. I have deemed it right to point out the difficulties of the question to the Committee, and to ask the leave of the Committee, for the reasons which I have given, that I might not be required to express a distinct opinion upon the subject.

4706. *Chairman.*] You have stated the distinction which the Ecclesiastical Commissioners of Inquiry and Parliament, acting upon their recommendation, made in local claims between tithes and tithe rentcharges, and land, and you have stated, as it appears to me most truly, that there is a claim upon tithes and tithe rentcharges attaching to the places where they arise, which does not belong to land. Do you conceive that any Report of the Lords' Committee could alter the Act of Parliament in that respect, or make any change?—No; I do not think the Report of the Lords' Committee has altered the Act of Parliament in that respect; and if you will allow me to say here parenthetically what I conceive would be of great importance to this Committee in considering this Report, I

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must remind you, that when recommendations are made by Committees of either House of Parliament, it places the Commissioners in great difficulty to know how far they are to act upon them, unless they are sanctioned by Parliament itself, and so become the law. I merely throw out that remark in case this Committee should make any recommendation, in order to show that, for the guidance of the Commissioners, it would certainly be safer and more satisfactory that they should have the authority of Parliament.

4707. Your observation with respect to the lease of a tithe rentcharge applies only to the interest of the lessee, and the expectation which the lessee may reasonably entertain, and not to the application of the tithe rentcharge when it shall ultimately come into the power of the Commissioners?—Exactly so.

4708. Do you conceive, also, supposing one renewal to take place, that then all equitable claim of the lessee is satisfied?—That is my own individual opinion.

4709. Supposing a large fine to be received for the renewal of the lease of the tithe rentcharge at Whitby, that fine would go into the common fund, would it not?—As the archbishop receives his income, that fine would form a part of his income, and practically relieve the common fund.

4710. The archbishop would have the same income whether that fine was taken or not?—Exactly so; he has a fixed income.

4711. Supposing a sum was granted out of the common fund for the relief of the spiritual destitution of Leeds, would it not cause a considerable feeling of dissatisfaction at Whitby, that the ministers of the church at Whitby should be so inadequately provided for, while provision was made for the spiritual destitution of other places out of the income paid by Whitby?—That opens the whole question of the application of the common fund, and whether that fund is to be applied to the general purposes of the Church, or whether part of it may be applied to the local wants of particular places. Your Lordship will see directly that inasmuch as the Commissioners have never had a surplus, down to this year, for some years past, if they were now, out of the common fund, to apply for the benefit of Whitby a portion of that anticipated surplus at the end of the year 1856, which is not estimated to be more than 4,000 *l.* or 5,000 *l.*, they would then be anticipating the means of applying the common fund to the general purposes of the Church which Parliament has directed them to do. Of course what you would then do in the case of Whitby would have to be done in other cases, and so many applications would be made for money to come out of the common fund to satisfy particular local claims, that the time would hardly ever arrive when the general fund for general church purposes would have a surplus.

4712. My supposition was of a fine being paid in the year 1856 for the renewal of the lease; my supposition would not apply in case that lease was not renewed and expired in 14 years?—Still that fine, so paid upon the renewal of the lease, will constitute a part of the common fund.

4713. If the fine is paid, it will constitute a part of the common fund?—Yes.

4714. If no fine was required, Whitby, of course, would have no claim to that?—No.

4715. With regard to the application of the funds which will come into the hands of the Commissioners, not this year, but the next year and in subsequent years, has any plan been formed or any principle been laid down by the Commissioners as to the application of their funds to the relief of spiritual destitution?—The Commissioners have thought of that subject a great deal. They have hitherto acted, and I think prudently and wisely, upon the notion that it was much better not to lay down any rules and regulations as to the application of a surplus until the time arose when there was a surplus, and when they had all the claims before them of different kinds made for the benefit of the Church. But perhaps the Committee will allow me to say, that as a surplus is likely to arise this year, that question has been more immediately present to the minds of the Commissioners probably than it ever was before; and I will mention one case upon which it has distinctly arisen lately, namely, the case of an application made by the bounty of the Duke of Northumberland (there is no harm, I suppose, in mentioning the name), or rather I should say of two applications made on the part of the Duke of Northumberland. The first application was, that the Commissioners should give 2,500 *l.* a year for four years to meet 2,500 *l.* a year offered by his Grace for the benefit of the Church in different parts of the county where his Grace resides. It is obvious that the Commissioners could not do that, because they have no surplus at this moment; but the offer has been renewed in a different form, namely, an offer of advancing 16,000 *l.* if the Commissioners would give

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16,000 *l.* to meet it, with a further offer of lending, upon loan, to the Commissioners the 16,000 *l.* which the Commissioners would have to contribute. That munificent offer of the Duke of Northumberland distinctly raised, to a certain extent, the question as to what should be the application and appropriation of the surplus when it arose, and the Commissioners referred it to the Estates Committee to consider the whole of that question. That matter is now before the Estates Committee, and it has been before them for some time, and though the report of the Estates Committee has not been made yet, to show the Committee the difficulty of the subject and the various points of view in which it may be regarded, I shall not be doing wrong, I believe, in just mentioning some of the points which they will have to consider. They will have to consider, first of all, what amount of the estimated surplus should be disposed of within the year. Secondly, what should be the minimum and the maximum grant in any particular case. Thirdly, whether in all, or any, and which of the cases they should require a contribution from other sources to meet the grant, and if so, in what proportions. Fourthly, whether a priority should be given on account, either of the poverty or the population of a parish or district, and if so, under what conditions or limitations. Fifthly, whether the balance so applicable should be treated as permanent income, and so granted as to become an annual charge upon the common fund equal to the amount of such balance, or whether it should be treated as capital, of which the interest only should constitute the annual augmentation. Those are some of the points which the Committee have had under their consideration, and, of course, it will be their duty to report to the Commissioners fully upon them. Now your Lordship will observe, that in one of those cases a very important question is raised, namely, whether in all, or any, and which of the cases they should require a contribution from other sources to meet the grant, and if so, in what proportions. I mention that, because it is obvious that, if the contribution of money to meet the grants is made a condition, you can very greatly increase the funds of the Church to be applied to the purposes of the Church where assistance is required. I think the Committee ought to be aware, by way of illustration, how important this question is; and there are two facts which I can mention, which show the importance of it. The one is with reference to the Gally Knight Fund; the other is with reference to what is done with Queen Anne's Bounty Fund. Now, Mr. Gally Knight left a large sum of money to be applied, at the discretion of the Commissioners, for the benefit of the Church; the surplus of it amounted to 37,000 *l.* The Commissioners, by their rule, which is reported in one of their Reports (I think the Sixth), considered that the best way of applying that fund for the benefit of the Church, was to grant it in those cases where corresponding grants or greater grants were made. The result has been this, that they have made certain grants for the building of parsonage-houses in 150 cases, at a rate averaging, I think, 250 *l.* for each house. They have been met by donations, or at least by undertakings on the part of those to whom the grants were made to complete the parsonage-houses, to three times that amount. The funds of the Church have been therefore amazingly increased, by the Commissioners treating the money which they had at their disposal as capital, to be given in consideration of donations or grants made to meet it. Now, Queen Anne's Bounty Fund is another case, as affording a striking illustration of the propriety of having recourse, at any rate with reference to some of the surplus, to some such mode as that which I have described. Queen Anne's Bounty Fund, for the last five years (I have had returns given to me by one of those perfectly acquainted with the nature of the fund and the application of it), has applied for the benefit of the Church somewhere between 10,000 *l.* and 12,000 *l.* a year. I think it averages from 9,500 *l.* to 12,000 *l.* in each of those five years. That has been met by grants to four times that amount; so that there they have been giving a sum amounting, in five years, to about 50,000 *l.*, and they have been able to provide for the wants of the Church to the extent of 200,000 *l.* I mention that fact, connected with others, to show the importance of fully considering all these circumstances before the Commissioners come to an actual decision as to how they will apply the surplus; and if the Committee will give me leave to make a suggestion to them, I think it would be advisable that the whole of that matter should be fully sifted and investigated before any actual decision is come to upon it.

4716. Supposing the Commissioners to consider this subject carefully and maturely at the end of this year, even supposing that additional powers were not required, would it not in your opinion be advisable, seeing that the original inquiry began more than 20 years ago, and that so much experience has been

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lately acquired, that there should be an Act of Parliament, either in conformity with the recommendation of the Commissioners, or modifying the recommendation of the Commissioners, but so as to enable the country to know for certain what would be the course pursued for the future; the matter being maturely considered, is it not desirable that Parliament should sanction the final arrangement?—At the end of this year, or rather the beginning of the next year, it will be the duty of the Commissioners to report their recommendations upon this subject, and I certainly should feel that when those recommendations are made, if Parliament is disposed to approve of them, it would be satisfactory to the Commissioners to have the authority of Parliament to ratify the decision they had come to in case Parliament should be of that opinion; but whether it will be necessary to have an Act of Parliament, I am not quite certain.

4717. Is it now in the power of the Commissioners to augment in proportion to the contributions of private benefactors?—It is in their power, certainly; but they have had no money lately for any of those purposes.

4718. There has been no deficiency of legal powers on their part?—There is no deficiency of legal powers, but the want of funds is the obstacle.

4719. When they obtain the funds, the whole matter being one of a very vast discretion, and affecting the interest of the Church and the country for a long time to come, you think it is desirable that Parliament should lay down rules for the guidance of the Commissioners?—I think it is very desirable that if Parliament sees it right not to disapprove of the plan upon which the Commissioners are likely to act, the Commissioners should feel that they have the authority of Parliament for what they are doing, instead of the doubtful Report of a Committee, and, perhaps, the Report of a Committee of one House conflicting with that of a Committee of the other.

4720. You remember that the Committee of the House of Lords, at the close of their resolutions, state, "The Committee have confined the preceding recommendations to farms and tithe rentcharges. With respect to house property and mines, the Committee entertain doubts, which can only be removed by further investigation and consideration, whether the arrangements which they have suggested can be advantageously applied to those kinds of property." Is it not desirable that with regard to house property and mines there should likewise be rules laid down, either by the Commissioners or with the sanction of Parliament, for enfranchisement or for the continuance of leases?—Yes. I see no objection to the Commissioners laying down rules both as to house property and as to mines. I believe the rules as to house property are very well understood at this moment.

4721. Are the rules with regard to house property satisfactory to the lessees?—We have heard in this Committee that they are not, and we have had a great deal of very difficult and intricate evidence given on the one side and on the other; but I own that my own conclusion from that evidence was, that the best test of the propriety of the proceedings of the Commissioners with reference to house property was, whether they were acted upon generally or not. If they are, I think that is the best criterion which you can apply to the matter.

4722. Have not those proceedings and regulations of the Commissioners been hitherto unsupported by the Committee of the House of Lords?—I think so, certainly.

4723. Would it not be desirable, therefore, whatever the decision may be, to have it regularly sanctioned?—Yes. As I said before, I think that any sanction which the Commissioners receive must be satisfactory to them, always guarding myself to this extent, that I should hope that Parliament would not cripple and fetter the Commissioners, but leave a large discretion to them.

4724. So far as you have been able to perceive of the proceedings of the Commissioners since the resolutions of the Lords' Committee, I understand you to say that their proceedings under those resolutions appear to you to have been satisfactory both to the Church and to the lessees; is that so?—Yes. I have no doubt of that one point in my own mind, and I have no doubt of it for this reason amongst others, and it is a very strong reason. If your Lordship looks to the last Report of the Church Estates Commissioners, you will see that the increase of transactions between the Commissioners and the lessees in the last year is so much greater in proportion than it has been in any preceding year, that I am quite satisfied in my own mind that the lessees must be fully content with the course of proceeding upon which the Commissioners act. If you look at that Report you will find that the Commissioners from 1851 to 1855, the whole of the transactions were only 527 in number, the value in fee which was dealt with exceeding

exceeding 2,300,000 *l.*; whereas in the last year the cases have been 300, which is more than half what they were in the four preceding years, and the value of the property dealt with has been a million of money. I think that stronger proof can hardly be given that the lessees are satisfied with the terms upon which the Commissioners are dealing with them.

4725. Should you wish to give any opinion to the Committee as to the principle of Lord Blandford's Bill, which has been referred to the Committee, or would you rather reserve your opinion upon that subject?—I think it would be so much fairer to Lord Blandford that I should hear his views upon it, in order that I might not put myself adversely to him upon any point, that I had much rather know what he has to say upon it before I give an opinion.

4726. Sir *James Graham.*] With reference to the principle which you have recommended as being most desirable, namely, to capitalise assistance generally with the view of obtaining a great augmentation of voluntary benefactions, do you happen to know what the experience of the Bishop of Winchester has been in his diocese, where he has presided for about 20 years?—The experience of the Bishop of Winchester in his diocese has been, that I think he has obtained for the benefit of his diocese something very nearly amounting, if I am not mistaken, to a million and a half of money.

4727. With an advance on the part of the Church of something under 200,000 *l.*?—I believe so.

4728. Sir *John Pakington.*] From what source has that money been derived?—From various sources.

4729. Sir *James Graham.*] In 20 years, by voluntary benefactions and the bounty of individuals, the money derived from the Church not amounting to more than 200,000 *l.*, the benefactions have amounted to a million and a half?—That is so; and perhaps it is now a good opportunity for mentioning, that with reference to applications made to this Commission, speaking at the present moment, the recorded applications represent a capital of 200,000 *l.*, if grants can be made to meet them.

4730. Taking the case of Whitby, if the Ecclesiastical Commissioners out of the common fund were to give a permanent augmentation of 200 *l.* a year, that would be an augmentation in perpetuity, and must be regarded as so much capital applied to Whitby?—Yes.

4731. Cutting off, therefore, in perpetuity *pro tanto*, the means of augmentation to the most destitute districts of England?—I should be afraid so.

4732. The principle of the common fund recognised in the clause to which you have adverted as applicable to the spiritual wants and destitution of the Church generally is countervailed by the proviso with respect to local claims?—Certainly.

4733. Does not that give rise to this nice discretion on the part of the Commission, that in each case they must view the relative demands of the Church generally against the conflicting demands of local claims?—I should hardly put it in that point of view; I should rather say that the proviso absolutely gives a preference to the local claimant where the tithe is actually in possession.

4734. But that is limited to tithes?—It is.

4735. Referring to the case of the renewal of the Whitby lease with a considerable sum to pay, must it not be borne in mind that the Archbishop of York is now receiving 10,000 *l.* a year from the common fund?—Certainly.

4736. And if the fine be carried to the common fund it can only be a diminution of that heavy annual charge?—Certainly.

4737. Sir *George Grey.*] Do I rightly understand you to think, that where property does not arise out of tithes, there is still a discretion in the Ecclesiastical Commissioners to consider local claims in preference to the general claims of those places which are described in the clause of the Act of Parliament as places where assistance for the cure of souls is most required?—No; I consider that there is none. I consider that the Commissioners, in all cases of property other than tithes, when applications are made to them for the disposal of that property for the benefit of the Church, are bound, in the words of the Act of Parliament to look to those places where assistance is most required for the benefit of the Church.

4738. Then under what authority is it that they have given grants to places where assistance for the cure of souls was not most required, in consideration of private benefactions in order to meet them?—I am not quite aware of the cases to which you allude.

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4739. The cases which you spoke of just now, of parsonage-houses, in which they have made grants out of the common fund for those objects, although the parishes in which those parsonage-houses were to be erected were not those most requiring assistance?—That was not done out of the common fund; it was done out of 37,000 *l.* which Mr. Gally Knight had given to the Commissioners to apply at their discretion for the benefit of the Church.

4740. Have not there been cases in which the Ecclesiastical Commissioners have, out of the common fund, made grants to parishes, in consideration of private benefactions, or benefactions derived from other sources than the funds in their hands, to which those parishes would not have been entitled by a strict adherence to the rule laid down by the Act of Parliament?—Not recently, I think; they may have done so when they had a surplus, but I am not aware that they have done so recently.

4741. I am referring to the resolutions respecting augmentation grants, dated 27th February 1844, to which perhaps your attention has not been called, not having been then a member of the Commission?—But that, I think, has not been acted upon; they have had no surplus funds, I think, since then.

4742. Then the resolution has not been acted upon, because there were no funds out of which those grants could be made?—Exactly so.

4743. Do not the Commissioners appear to have assumed, in passing that resolution, that they had the power, out of the common fund, if they conceived it for the benefit of the Church, to depart from the strict letter of the Act of Parliament, and to make grants to places not most requiring them?—Speaking from recollection, I think it is so; but giving my own opinion, I think it would not be quite according to the Act of Parliament.

4744. You spoke of a munificent offer of the Duke of Northumberland to advance a large sum of money, if the Commissioners would appropriate a certain portion of the funds at their disposal for the benefit of places in the county of Northumberland. Are you aware that a proposal, either of the same kind or one similar to it, was made by the Duke of Northumberland in 1851; that it was brought under the notice of the Commissioners, and that they felt themselves unable to comply with it under the existing state of the law, as well as from the want of funds?—They felt themselves unable, I think, to do so, because they had no funds with which they could meet the offer of his Grace; but I was not a Commissioner then.

4745. The Commissioners conceived that they were precluded under the existing state of the law from setting apart a considerable portion of the funds at their disposal for a certain number of years, for the exclusive benefit of one county or diocese, though by so doing they would have added largely to the funds of the Church in that diocese or county?—Yes, I think that would be so.

4746. You assume that the grants which have been made out of the Gally Knight Fund have produced a certain amount of benefit to the Church by the private benefactions which have been advanced to meet grants from the Ecclesiastical Commissioners out of that fund?—Yes.

4747. Do you think you are entitled to assume that the whole of those private benefactions were given in consideration of grants from the Gally Knight Fund; may it not be the case that the patrons of many livings would have built those parsonage houses, and although they applied to the Ecclesiastical Commissioners for an advance, stating that they would give two-thirds if the Commissioners would give one-third, yet if no such fund as the Gally Knight Fund had existed, the money would still have been advanced by the patrons of the livings?—Very likely. I rather think that my reason for saying so was, that having a fund out of which you can make grants, you put other parties into motion to meet those grants, and that by so applying a portion of your surplus you get a very much larger amount for the Church than if you give the whole sum.

4748. Are the populous places which come within the words "where such assistance is most required," very numerous?—Very numerous.

4749. Much more so than could be provided for, for some time to come?—I think so.

4750. Therefore, if the Commissioners adopted the strict rule of applying the common fund to populous parishes and places where assistance for the cure of souls was most required, there would be no fund for a very long time applicable to any other parishes?—I do not think you would meet the spiritual destitution of the country; and I think one of the strongest proofs of that is, that in what

you

you have done already, namely, giving 80,000 *l.* a year (in order to do which you have borrowed 600,000 *l.* from Queen Anne's Bounty Fund), I believe you have not met the spiritual destitution of more than 1,100 parishes, and that in most of them only partially.

4751. Is it not the case that the avowed intention of the original Ecclesiastical Commission, from which these proceedings have emanated, was to make provision for those large and populous places in which there was great spiritual destitution?—I should say that was the principal object.

4752. Sir *James Graham.*] Although that large debt was incurred under very pressing circumstances to create what are termed Peel districts, by an advance of 600,000 *l.* from Queen Anne's Bounty Fund, are you not aware that the Commissioners have, even with respect to that advance, felt inconvenience from anticipating their resources?—Very greatly.

4753. Are you not aware that it is their unanimous opinion that the contraction of a Church debt is most dangerous?—I think that it would put the greatest possible obstacle in the way of meeting the spiritual wants of the people in populous districts.

4754. Whatever difference may exist on other matters, is there not unanimity in the Commission upon that point?—The Estates Committee are entirely unanimous upon that point.

4755. Mr. *Ingham.*] Although you say that a local claim is only acknowledged in the case of tithes, yet if the Commissioners received a great income from land in any particular parish, would they not consider themselves at liberty, like other landowners, to make some contribution towards any general fund which was raised in the district for the purpose of Church endowment?—They consider themselves in that case in the character of landlords, and what other landlords do they do; in the way of building schools, or repairing a church, or building a chapel of ease to a church, or whatever it may be, they consider themselves in the character of landlords; and I believe they always contribute in proportion to what other landlords do.

4756. Though that might not be considered the most necessitous district, yet if a genuine endeavour was made to procure some endowment, they would consider themselves at liberty to contribute like other landlords?—Yes; not in respect of a local claim, but as landlords.

4757. You stated that the usage of the Commissioners in respect of renewals was, that in the case either of enfranchisement or of surrender, the tenant was entitled to another renewal?—It has been considered so.

4758. I believe you are aware that in the examination of Lord Chichester, in the answer which he gave to Question 317 which I put, he said that the interest was considered as if the tenant had renewed. Question 318 was, "In the language of the Lords' Committee, he is to have the option of another renewal?" to which Lord Chichester's answer was, "Yes." I see that in the corrected evidence his Lordship has added, "of one renewal subsequent to the date of the Act 14th & 15th Victoria, chapter 104"?—Yes; if that is an addition to Lord Chichester's evidence, I think it is a necessary addition, because it represents more accurately the practice of the Commissioners.

4759. The next question was this: "If he has 17 years remaining of his lease, he has the option of another renewal, and may extend it for an additional period of seven years upon paying the fine which he would be liable to pay according to the custom of the chapter?" Lord Chichester's answer, as given before the Committee, was, "Yes; he is not obliged to go through the form of renewal, but his interest is computed as if he had renewed upon those terms"?—That is so.

4760. I see that in the corrected evidence there is this paragraph added: "That is, assuming that no renewal has taken place since the date of the Act"?—Exactly so. That is in order to make the answer more accurately tally with the practice of the Commissioners.

4761. Of course you are aware that, as the examination was taken, that qualification was not suggested?—I believe not, but I am speaking from recollection. I cannot be quite sure.

4762. You have already said, that in the case of lands remaining in a chapter you think it is quite right that no control should be exercised, as none, in fact, is given to the Commissioners by Parliament, over the discretion of the chapter in renewing or not?—I think so.

4763. You have been good enough to read to us, I think, the 10th section of

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the Act of Parliament, 17th & 18th Victoria, chapter 116?—The section which I read was the 11th section, relating to the Report of the Lords and the Report of 1850.

4764. If you look at the 9th section you will see that it says, "In all dealings between the Ecclesiastical Commissioners for England as to lands now vested or which shall hereafter become vested in them, and the holders of such lands;" then it goes on to provide for an arbitration, and it then says that the finding of the arbitrators "shall be adopted in computing the terms of the sale, purchase, or exchange of such lands, or of any interest therein, regard being had in the final settlement of such terms in every such case to the just and reasonable claims of such holders of land, under lease or otherwise, arising from the long-continued practice of renewal"?—Yes.

4765. Does not it appear by that 9th section, that in 1854, when this Act was passed, the Legislature intended to extend that consideration to the tenants in every case of land which thereafter became vested, without any reference to whether there had been any previous renewal or not from the chapter?—I should not draw that inference absolutely from the Act. They were to have regard "to the just and reasonable claims of such holders of land, under lease or otherwise, arising from the long-continued practice of renewal." I think that section might be read as referring to that which had been recognised in previous Acts of Parliament, and not to anything which took place after this Act; but I am giving an off-hand opinion.

4766. Would not that be rather straining the expression "as to lands now vested, or which shall hereafter become vested;" those are the words?—They are.

4767. No doubt a layman, reading that clause, would think it applied to every case of a dealing between the Ecclesiastical Commissioners and a lessee, as to land then vested in them, in 1854, or which might thereafter become vested in them?—I rather think so; I did not consider the question attentively.

4768. You have stated that, in your opinion, the ground of this consideration given to the lessees is not so much any outlay which they may have made upon the property, as the long-continued practice of renewal, which has given a great value in the market to such leases?—I think I gave my opinion upon both.

4769. But you said that, in the case of tithes, one reason existed in full, although the other might not exist?—Exactly so.

4770. Does not it occur to you that, in truth, by the chapter remaining in the management of the whole property, and continuing to renew, that claim is strengthened by every fresh renewal, the practice existing longer, and giving greater value in the market?—The practice has existed for 300 years. I do not know that we could give the tenants a much greater claim than the right consequent upon a practice of 200 or 300 years.

4771. It certainly does not go to qualify the claim at all. If it is entitled to be recognised when the matter is dealt with by the Commissioners, then the lessees are equally entitled, if the chapters continue to renew?—It certainly would not qualify the claim; but I fancy that such a question was present to the Lords when they made their report.

4772. Lord *Robert Grosvenor*.] I wish to ask you a question arising out of what has been said about Whitby, and the tithe rentcharge belonging to it. It was rather suggested that in the case of a tithe rentcharge, the fine which was paid for the additional renewal which it was proposed to allow the lessee, might be applied to alleviate the spiritual destitution of the locality from whence the tithe rentcharge was obtained?—Yes.

4773. Upon that being rather proposed to you, your answer was, That if the fines from these additional renewals in all those cases where tithe rentcharge was sought to be renewed were not applied to the common fund, but were devoted to the spiritual improvement of the place, there never would be any surplus in the common fund?—I think the expression ought not to have been "never," but "for a very long time."

4774. Does the money likely to be paid for the renewal of those tithe rentcharges amount to so great a sum as to warrant the extreme assertion which that answer would appear to convey?—I think it was too general an answer, and I shall be very glad to correct it.

4775. Might not the amount paid for these renewals be capitalised, and the interest of it be applied to the spiritual improvement of the locality without any very

very great loss to the common fund?—Yes; but still it raises the same question, whether you are not taking out of the common fund something which ought to be applied to a different purpose. You may invent every kind of device by means of which you can get hold of this local fund, to apply it to a local purpose, before it actually comes into the hands of the Commissioners, but if you work it out you will find that it all ends in this, that you are, in fact, taking something from the common fund which the common fund ought to apply to some other purpose; until the tithe actually comes into possession it is anticipating your means out of the common fund, and applying something for the benefit of the Church, by taking an exceptional case, namely, a local claim, and giving it for that purpose.

4776. But the Act of Parliament having, as you construe it, directed you to attend to the local interest in all cases where tithe rentcharge is concerned, can it be so broadly stated, that money arising by the renewal of a lease which affects tithe rentcharge only is so much money taken out of the common fund?—It is so until you are actually in possession of the tithes.

4777. Lord *Robert Cecil.*] What is the difference, whether the revenue comes in the form of fine or in the form of yearly income?—The fine is part of the purchase of the reversion.

4778. Marquis of *Blandford.*] In the event of the lease having been run out or purchased, and the property having become actually vested in the Commissioners, there being no question of anticipating the revenue of the Commissioners, what would be your opinion as to a portion of that property being then applied to supply the local wants of the place from which it was obtained?—If the lease had run out, it would be so applied directly; but not so in the case of a lease purchased.

4779. Is there any obligation at present upon the Commissioners which makes it imperative upon them to apply property so situated to the local wants of the place?—If they derive it from tithes the Act of Parliament requires it.

4780. But not if the revenue arises from other descriptions of property?—No.

4781. Would it be your opinion that, whether it arose from tithes or whether it arose from other descriptions of property, there was an equal equitable claim upon the Commissioners to apply the money to the local wants of the place from which it was obtained?—We could only then diminish the general fund applicable to the general purposes of the Church, by abstracting a portion of it for a local claim.

4782. Would it be your opinion that, whether it arose from tithes, or whether it arose from other descriptions of property, there was an equal equitable claim upon the Commissioners to appropriate the money to the local wants of the place from which it was obtained?—I do not think there is an equal equitable claim.

4783. Upon what ground are you at all aware that the Commissioners have been able to draw any distinction between the actual spiritual wants of one place and another?—I am not aware of the ground, from the case never having arisen, since we have had no surplus, excepting so far as the ground has been laid down in the rules which the Commissioners before made. The rules which they before laid down as to augmentation grants, if I recollect rightly, were, that where the population was 2,000, you might make a grant, so as to make the income of the clergyman up to 150 *l.* a year; where it was 1,000 or 1,500, I think it was to be 100 *l.* (I am speaking from recollection); and where it was under 500, I think you were to raise the income to 80 *l.* a year. I think those were the intimations given by the Commissioners as to how they would apply the funds.

4784. Supposing that a case was made out before the Commissioners that actual spiritual destitution existed, would it be your opinion that that case in the neighbourhood of which property belonging to the Commissioners was situated, would not have a prior claim for the relief of that destitution to any other case which was not so immediately situated in connexion with the property?—No, I think not, according to the Act of Parliament.

4785. To what portion of the Act of Parliament do you allude?—The 67th section of the 3 & 4 Vict. c. 113, says in so many words that you are to apply the funds so in the hands of the Commissioners "for the cure of souls in parishes where such assistance is most required, in such manner as shall be deemed most conducive to the efficiency of the Established Church." It is a general direction to the Commissioners, and that being a general direction, I apprehend that they would be bound by the Act of Parliament to weigh all the cases to see where that assistance was most required, irrespectively of any claim arising from the contiguity of the property to the place where the claim was made.

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4786. Lord *Robert Grosvenor.*] May I request that the rules which the Commissioners have drawn up, upon which a grant out of the common fund may be made, may be read?—They are in the Appendix to the First Report of the Ecclesiastical Commissioners, page 15.

4787. *Chairman.*] What is the date?—The date of that Report is 1845; the resolutions are dated 27th February 1844. They divide the grants into four classes; they say "That the first class consist of grants in augmentation of income, made unconditionally to benefices or churches with cure of souls as aforesaid, being in public patronage, namely, in the patronage of Her Majesty, either in right of the Crown or of the Duchy of Lancaster, of the Duke of Cornwall, of any archbishop or bishop, of any dean and chapter, dean, archdeacon, prebendary, or other dignitary or officer in any cathedral or collegiate church, or of any rector, vicar, or perpetual curate as such; and that this class of grants be for the present limited to raising the average annual net incomes to the following amounts respectively, according to the scale of population prefixed thereto; viz., population amounting to 2,000, income to be raised to 150*l.*; population amounting to 1,000, income to be raised to 120*l.*; population amounting to 500, income to be raised to 100*l.*; population below 500, income to be raised to 80*l.*"

4788. Mr. *Ingham.*] It is 2,000 and upwards, is it not?—Yes.

4789. Sir *George Grey.*] Are you aware whether there was not, before 1844, when those resolutions were passed, a rule laid down by the Commissioners for their own guidance, by which they made no grants at all to places where the population was as small as 500 or 1,000, but confined their grants to those larger and populous places in which, following the words of the Act of Parliament, assistance was most required on account of the amount of population and the inadequacy of the endowment?—There may have been such a rule; I was not aware of it before.

4790. *Chairman.*] Is it not rather the Second Report of the Ecclesiastical Commissioners of Inquiry which has been just referred to; are you aware of that Report?—I am not aware that that Report refers to that particular point; it may do so. Then the resolutions of 1844 say, "That the second class consist of grants, as well in augmentation of income, as towards providing fit houses of residence, or sites for such houses, made to benefices or churches with cure of souls as aforesaid, whether in public patronage as aforesaid, or in private patronage, namely, any patronage whatsoever other than as aforesaid, upon condition of such grants being met by benefactions from other sources; and that this class of grants be for the present limited to cases where the income is below 200*l.* That the third class consist of grants, either in augmentation of income, or to provide fit houses of residence, made to benefices or churches with cure of souls as aforesaid, in consideration of their being situate within the places in which any tithes vested in the Commissioners, or any tithes in lieu of which lands or other hereditaments vested in them were allotted or assigned, arise, or have heretofore arisen, such grants not in any case exceeding the actual value of the tithes, lands, or other hereditaments in respect of which the same shall be made. That the fourth class consist of grants to benefices and churches, by way of compensation to the incumbents for loss of fees appropriated to district churches augmented by the Commissioners." Those are the rules as to augmentation grants, which almost since they have been made have hardly been acted upon, because there has been no surplus with which the Commissioners could deal.

4791. Lord *Robert Grosvenor.*] Are you aware whether the Commissioners have ever taken into consideration any condition, except the extent of the population of the district asking for aid; whether it ever occurred to the Commissioners to inquire whether a scattered population, although not so numerous as another, did not in point of fact require equal consideration with the other?—I certainly think they would have to consider that as an element in their judgment.

4792. Are you aware whether in any of the rules laid down that has ever been alluded to or stated at all?—I am not aware of any such rule. I think that when the Commissioners come to consider how they will deal with their surplus, that is one of the elements to be taken into consideration before arriving at a sound judgment.

4793. Lord *Robert Cecil.*] Do not you think that the ability of the inhabitants to furnish aid is a ground for consideration?—Yes.

4794. Sir *James Graham.*] The other rules apply to the consideration of local claims?—Yes, and they were made on the 3d of April 1851; they are six in all.

4795. Will

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4795. Will you be kind enough to read them?—"First, That no local claims be recognised;" that ought to be read "dealt with;" "recognised" is not the proper word. "That no local claims be dealt with unless falling strictly within the terms of the proviso in the 67th section of the Act 3 & 4 Vict., c. 113, subject only to exception in favour of any case which, for the purpose of providing a site for a parsonage or glebe for actual occupation by the incumbent, the Commissioners may deem to be deserving of extraordinary consideration, or in which they may consider it desirable under special circumstances to make a reversionary grant. Second, That no local claim be entertained until there shall be a balance to be carried to the credit of the common fund upon the adjustment of the account of each particular estate according to the principles hereinafter laid down. Third, Where the property is subject to a beneficial lease, the grant shall not in any case exceed the net amount of the reserved rent, and shall not be made until the amount of the costs of the usual survey, and other preliminary proceedings, with interest at the rate of three per cent., shall have been covered by the proceeds of such net reserved rent. Fourth, That where the Commissioners shall have acquired by purchase the beneficial interest in any such lease, no grant shall be made in respect of such interest until the amount of the purchase-money and costs, with interest as aforesaid, shall have been realised from the annual proceeds. Fifth, That where a reversion shall have been sold, no local claim shall be recognised" (it should be "dealt with") "until the period at which the purchase-money would, if accumulated at compound interest at the rate aforesaid, amount to the sum at which the fee-simple value in possession shall have been computed at the time of sale. Sixth, That the principles laid down in the fourth and fifth resolutions be applied to those cases in which the interests of dignitaries have been commuted. The fifth rule has been altered to this extent, (it is in substance the same thing), namely, that where a reversion has been sold, no local claim shall be recognised or dealt with until the tithe actually comes into possession.

4796. That applies only to tithe rentcharges?—That applies to tithe rentcharges.

4797. If those principles were extended, as has been suggested in one or two questions, to incomes arising from any source, and local claims were considered on those principles, would not, in your opinion, the very principle upon which the common fund rests be broken down?—I am afraid so, and I think so.

4798. Mr. *George Butt.*] Your explanation of the 67th section is no doubt a correct one. It is a general provision, which applies to making grants to the Church generally, cut down only by the proviso in respect of rentcharges. Suppose the case of a fine; you answered just now, I think, that if a fine was payable upon the renewal of the lease of a rentcharge, that fine was properly to be placed to the common fund, and not any part of it applied to the local wants of the place where the rentcharge arose; the reason for that you stated, I think, was because it was part of the purchase of the reversion or of the property?—Yes, "property" would have been the better word to use.

4799. But, according to that principle, would not it be the same as if the interest of the fine were rent received from rentcharge; and so, would not the interest of the fine be properly applicable to the local claims of the place where it arose?—You mean that to that extent, since you have received a sum of money in consideration of the present interest, of which you are not put into possession, the interest which that sum of money bears is an available income for you to apply to the present purpose.

4800. Yes; it is a sale, say of a portion of the whole property; is it not a sale of the entire tenure of the fee, and would it not, therefore, be the same as if it were an absolute purchase of the fee in a part?—If there were no reserved rent, I think perhaps you would be right; but inasmuch as there are more things to consider than that one, and there is a reserved rent, I am not sure that the reserved rent is not the only thing which represents the immediate interest which you have.

4801. Is it not like the case of two reserved rents, one the fixed reserved rent upon which the renewal takes place, and the other the rack rent represented by the interest of the fine, and is there not to that extent a present fund, namely, the interest of the fine, properly applicable yearly under the Act of Parliament to the local wants of the particular place?—I am not sure that to a certain extent you are not right there; but I should like to consider that.

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4802. Lord *Robert Cecil.*] Is it not the case that if the principle you have enunciated were acted on the Commissioners might, by letting all their rentcharges on fines, elude the local claims altogether, taking the yield every seven years on fines, instead of yearly in the shape of rent?—Certainly, if the Commissioners did that which I apprehend Parliament would never sanction their doing, namely, taking fines in perpetuity, they would defeat the local claims altogether; that is what neither the Commissioners wish to do, nor Parliament would allow them to do.

4803. But does not that hypothetical case rather show the unsoundness of the distinction between a fine taken every seven years and an amount taken every year with respect to the burthen which the Act of Parliament has charged upon the Commissioners?—Perhaps it does, but I do not see it.

4804. With reference to the 67th clause, in answer to Sir George Grey, you said that you did not think it was competent to the Commissioners legally to give grants in those cases where persons had come forward with others to meet them; was not that your statement?—I think by the strict interpretation of the Act of Parliament, it would be so; I answered Sir George Grey so; I see that that rule which Sir George Grey pointed out to me, which I had forgotten at the time, appears to imply that the Commissioners did not take that view of it in the year 1844. My own opinion, however, is, that by the strict interpretation of the Act of Parliament, the thing which you have to look to, is simply this, where assistance is most required, so that it may be most conducive to the efficiency of the Church; and as I think that that is the rule which Parliament has directed the Commissioners to observe, I should doubt whether by the strict interpretation of the Act of Parliament, you could say, Although this is a case where assistance is not most required, yet if I get a grant and so benefit the Church, I may make a grant to meet it.

4805. These words occur in the section which I think you omitted in your answer, "in such manner as shall by the like authority"?—The only words which I omitted were, "by the like authority."

4806. It is "in such manner as shall be deemed most conducive to the efficiency of the Established Church;" you do not think that those words "in such manner," can be construed to give the Commissioners a discretion as to the mode in which they shall lay out their grant?—I should think, myself, that the Commissioners in 1844 did give effect to those words, "in such manner," but I offer only my own opinion. Looking to the Act of Parliament, I should think, by the strict interpretation of it, that would give them a latitude as to those cases where assistance was most required, but would not give them a latitude in applying the funds to meet a corresponding or larger grant if you could show that there was some case where assistance was more required.

4807. By the 13th & 14th Vict. c. 94, dignitaries are enabled to meet local claims upon their estates. There is a power to that effect, is there not?—Yes, in one of the Acts of Parliament.

4808. In those cases, which as it were lie between that provision and the local claims clause, that is, in those cases where estates are under the management of the Commissioners, but not in their possession, do not the managers on both sides, both the Commissioners and the dignitary, neglect the local claims?—Will your Lordship put a case, for I do not see how it is so.

4809. Have you no estates which are in the management of the Commissioners, but in the possession of the dignitary?—No, I think not.

4810. Are there no estates, either episcopal or capitular, in that position?—Some estates are so, practically.

4811. In that case would the chapter feel themselves, being in possession of the estate, justified in attending to a local claim under such a power as I have referred to, or would it be deemed to belong to the Commissioners to do so?—I do not think it ought to belong to the chapter to do so, because, if the chapter are receiving a fixed income from the Commissioners, and they are to have the merit of attending to the local claim when they give up nothing, I do not think that there ought to be in them such a power, even if it is conferred by Act of Parliament.

4812. On the other hand, the local claim clause does not give it to the Commissioners?—I do not think it does.

4813. So that between the two, the local claim falls to the ground?—There is no local claim arising, as I understand it.

4814. There may be rentcharges which form part of the income?—I do not think I follow your Lordship.

4815. What

4815. What I mean is this: The estate is in the hands of one party, the management is in the hands of the other. You say that the party who has the estate would not be justified in attending to the local claim?—What I said was, that if the party who is receiving a fixed income from the Commissioners was to try to retain to himself the advantage of attending to the local claim, by giving up to the local claimant anything which would have belonged to himself before he received his fixed income, I think it would be very unreasonable that he should be the party to attend to the local claim, when he is not required to give up anything, while he at the same time is receiving a fixed income to the full amount from the Commissioners.

4816. The Commissioners, on the other hand, have not the power by statute of attending to the local claim?—I am not aware that they have.

4817. And yet there may be a case where the local claim would be equitably charged; a rentcharge may arise from a spiritually destitute parish?—The moment the rentcharge came into possession, then the Commissioners would deal with it.

4818. Though the estate was in the chapter?—Yes.

4819. Marquis of *Blandford*.] There are cases in which properties of chapters have been made over to the Commissioners in fee?—Yes.

4820. There are cases where the chapters had before the transfer of their property been in the habit of making payments to certain localities where their property was situated?—Yes.

4821. Upon the arrangement of the transfer taking place with the Commissioners, do the Commissioners feel themselves under an obligation to keep up those customary payments?—I am speaking now from a knowledge of matters which took place before I joined the Commission; I do not recollect any case which has happened since; but my impression is that they did attend to those claims; I think it is a part of the arrangement which was made at the time when the estates were given up.

4822. I think you have stated in evidence that the transactions connected with the enfranchisement of property are going on satisfactorily under the supervision of the Commissioners?—That is my impression.

4823. Is it also your opinion that, considering the present complicated state of the property, and the various interests which arise under the existing leasehold tenure, it would be for the advantage of the Church that every facility and encouragement should be given to voluntary enfranchisement of the property?—Most unquestionably.

4824. Is it your opinion that encouragement will be given to that process, more by having the property under the immediate control of the Commissioners, or by having it left, as is the case in the majority of instances at present, in the hands of dignitaries and corporations of the Church, and not under the immediate control of the Commissioners?—I think, as a matter of fact, that where the property is not under the immediate or indirect control of the Commissioners, fewer enfranchisements take place. Where the property is under the control of the Commissioners, I think there is no objection whatever to enfranchisement.

4825. So that if by any arrangement the property could be brought into the more immediate and direct control of the Commissioners, it would tend to facilitate that great end which you consider so advantageous for the interests of the Church, namely, the enfranchisement of the property, and the determination of the leasehold tenure?—Yes; in that point of view alone, I think most unquestionably it would tend to the enfranchisement of property.

4826. Sir *John Pakington*.] You have read to the Committee two sets of rules?—Yes.

4827. I apprehend that both those sets of rules were drawn up by the Commissioners themselves solely for their own guidance?—Quite so.

4828. In either case have those rules received the sanction of Parliament?—They are always laid before Parliament in the Report of the year following the time when the rules are made.

4829. But they have not otherwise received the sanction of Parliament, than by being so submitted?—They have not received the sanction of Parliament by any legislative enactment.

4830. One of those rules, with respect to augmentations, contemplates that in certain cases augmentations shall only be given on condition of local contribution?—It does so.

4831. Do I rightly understand from your former answers that you are clearly

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of opinion, that in dealing with Church property the Commissioners have a legal power to refuse the application of that property, excepting in cases where their grant is to be met by a local contribution?—I do not understand that question as at all representing my former answers. My opinion is, upon reading this Act of Parliament, that the Commissioners ought strictly to follow the direction contained in the 67th clause. Sir George Grey asked me the question whether I did not consider that you might, if offers were made to the Commissioners, meet those offers by grants in cases where it might not necessarily appear that assistance was most required for the efficiency of the Church. Answering off-hand, and not having recollected that rule at the time, I said I did not think that that came within the strict interpretation of the Act of Parliament. I am still of that opinion, but I may be quite wrong; and when I find that the Commissioners, in the year 1844, actually laid down such a rule, of course I would not presume to set up my opinion as against theirs. I was giving a legal opinion (I will not say off-hand, for I have considered the question a good deal) upon the clause, from which it is possible that other persons acquainted with the law might draw a different conclusion.

4832. I am drawing your attention to the question in another shape. I apprehend it is clear from that augmentation rule to which I have adverted, that grants conditional upon local contribution are contemplated?—Certainly.

4833. Do you think that, as the Commissioners now stand, the legality of such a condition is at all open to doubt?—Indeed I should think so.

4834. Therefore I apprehend that when you expressed, not long since, the opinion that it would be well for Parliament to sanction the principle of action, you had reference to the question of legality as well as to the convenience of having Parliamentary rules for the guidance of the Commissioners?—Certainly. I would leave the Commissioners as great a discretion as to the rules as possible; in cases where any doubt might arise upon the point of legality I would always have the sanction and authority of Parliament.

4835. You have mentioned, in your evidence this morning, two very munificent offers on the part of the Duke of Northumberland. The first of those offers I understand to have been an offer to grant 2,500 *l.* per annum. For what period of time was that offer made?—That offer was made for four years; I think that was the first period mentioned, but I understood (which I had forgotten at the time) that his Grace added to that, "or for a longer period of time, if the Commissioners would make a grant for a similar period."

4836. In the other case I understood you to state, that his Grace offered 16,000 *l.* on condition of a like grant from the Commissioners?—Exactly so.

4837. That I presume was offered with the view that the two contributions should make a capital sum of 32,000 *l.*?—Exactly so.

4838. Was it stated in that offer in what way that capital sum of 32,000 *l.* was to be reinvested or to be applied?—I think it was intimated to the Commissioners that an application would be made for the benefit of those parishes which entirely lay within the county of Northumberland, and I think his Grace had in contemplation some places where the destitution is very great, and where a portion of our surplus probably would be required, supposing we had a considerable surplus to apply to that destitution.

4839. Was it explained how that 32,000 *l.* was to be invested?—No; I do not think anything has been said upon that point.

4840. How long is it since the latter offer of 16,000 *l.* was made?—The latter offer was made in the course of this month.

4841. Do I rightly understand that those offers were refused from the want of a surplus fund applicable to the purpose, or from doubts on the part of the Commissioners as to their powers to accept such offers?—The former offer was refused upon the ground that they had no surplus funds; the present offer is not yet refused; it is still under consideration; and I mentioned it as showing that possibly there might be cases in which that and similar offers might be agreed to, provided the Commissioners, in considering the manner in which they would deal with their surplus funds, saw their way to capitalising the property for the purpose.

4842. Are you aware whether in refusing the offer of 1851 of 2,500 *l.* per annum for a limited time, the Commissioners were influenced only by the want of a surplus, or whether they were also influenced by doubts as to their power?—Speaking

—Speaking from recollection, I do not think they were influenced by any doubts as to their power.

4843. In both those cases I understand that the offers were limited to meeting spiritual destitution within the limits of the county of Northumberland?—I think they were.

4844. Sir *James Graham.*] Would not offers to the extent of 200,000 *l.*, on the same principle as the offer of the Duke of Northumberland of 16,000 *l.*, be covered by augmentations or grants from the ecclesiastical revenues if the Commissioners had a surplus?—Those are offers representing a capital of 200,000 *l.*; by which I mean that some parts of those offers are actual offers of principal sums; other parts of those offers are offers of annuities which, when capitalised, would bring the sum offered to us to 200,000 *l.*

4845. Therefore there is private munificence willing to meet for ecclesiastical purposes an equivalent sum from the ecclesiastical revenues, amounting to a capital of 200,000 *l.* at this moment?—Certainly.

4846. Marquis of *Blandford.*] Are those offers in respect of grants of money to be made by the Commissioners, or in respect of patronage to be assigned by the Commissioners?—Grants of money to be made.

4847. Can you at all state what is the amount of offers which the Commissioners have received in respect of patronage which it is in their power to exercise?—No.

4848. Sir *William Heathcote.*] When you intimated a doubt of the legality of accepting such an offer as the Duke of Northumberland made, was it founded only upon your doubt, whether it was lawful to prefer one place to another without proof of greater need, or had you any doubt of the power of the Commissioners to accept such a grant?—I had no doubt as to the latter point. My doubt was this, whether you would not be bound to see that the place, in respect of which the grant was asked, was one of those places which, taking a liberal comprehension, might fairly be said to be places where assistance was most required.

4849. Then I understand that you have no doubt that, assuming the place to be equally in need, it would be perfectly lawful to accept such a grant?—I have not the slightest doubt upon that point.

4850. Sir *George Grey.*] Taking two places, with equal spiritual destitution, in one of which a grant was offered, in consideration of a grant from the Ecclesiastical Commissioners, and in the other no such grant was offered, would you not, under the terms of that very clause with reference to the efficiency of the Church, be bound rather to prefer the one in which the grant was offered?—I should say unquestionably.

4851. Mr. *George Butt.*] Do you not think it would be desirable to extend the proviso in the 67th section, so as to give the Commissioners a larger discretion than they have now, under the true construction of the Act of Parliament, in cases where liberal offers are made, such as those which have been mentioned?—The proviso solely relates to local claims. You mean whether it would not be desirable to give a new authority to the Commissioners, with reference to a new class of local claims?

4852. Yes, where offers are made?—Supposing I am right in my interpretation of that section of the Act of Parliament, I should think it would be advisable. I may be wrong in supposing that the Commissioners have not the power already.

4853. *Chairman.*] Has the Bishop of Winchester been entirely unfettered in his discretion as to the grants which he has made, for which so large an amount has been contributed from private sources?—I rather think that the money applied by the Bishop was contributed for specific objects. It passed in conversation.

4854. Sir *James Graham.*] You are aware of the provision of Archbishop Howley's Augmentation Act, which enabled dignitaries within certain limits to augment?—Yes.

4855. The Archbishop of York is a receiving dignitary?—Yes.

4856. And the effect of his being a receiving dignitary is this, is it not, that he cannot augment under Archbishop Howley's Act, without the consent of the Commission?—Yes, I believe so.

4857. Is not the principle of the Commission having a veto sound with respect to such augmentations, inasmuch as the Archbishop being a receiving dignitary, now augmenting, would contribute nothing from his income, but would increase the charge upon the common fund beyond his 10,000 *l.* a year?—Certainly.

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4858. Therefore supposing the Archbishop of York were not a receiving dignitary, and he exercised the full power over his property, and renewed the Whitby lease, it would, under Archbishop Howley's Act, be competent to him to have augmented the cure?—Yes.

4859. But now the renewal being at the option of the Ecclesiastical Commissioners, no such power of augmentation is in the hands of the Archbishop?—I apprehend that the veto, which is in the power of the Commissioners, or the sanction, if you prefer to call it so, which the Commissioners are to give to any application of that kind made by a bishop, or made by a chapter, is for the express purpose of guarding the property of the Church and the common fund against appropriations of such a kind as that.

4860. Supposing that the Archbishop of York recommended the renewal of the Whitby lease, say for the sum of 8,000 *l.*, and on the principle of the 11th rule laid down by the Lords, that renewal *pro hâc vice* were sanctioned, and the Ecclesiastical Commissioners were to dedicate that 8,000 *l.* to the augmentation to the cure of Whitby, would not that be equivalent to a grant of 16,000 *l.* at the expiration of the lease?—I think so.

4861. And that would be in addition to the charge of 10,000 *l.* a year to the Archbishop of York out of the common fund?—Certainly.

4862. Would that appear to you on the whole, considering the general destitution of the Church, to be a provident application of the value of the renewal of 8,000 *l.*?—No, I think not. But with reference to that subject, I might mention that, individually, I was very much struck with an observation made by Mr. Baxter. Mr. Baxter, in his evidence, seemed to say, that, at all events, where it was tithe rentcharge, if the tithe rentcharge, not being in the possession of the Commissioners, could not be given immediately to satisfy the local claim, it would afford some satisfaction to the place if a portion of the tithe might be appropriated and allotted now, instead of waiting for the time when it would come into possession. Mr. Baxter, however, did not advert to one difficulty which I think might there arise. In one respect, I have no doubt it would be to some extent satisfactory to the place to have that kind of assurance that the tithe which was intended to be given to it was actually allotted and appropriated to it now. But, on the other hand, the Commissioners would have to be very much on their guard, if they were making a prospective allotment or appropriation, that they were not giving more than at the time when the tithes fell in they ought to give with prudence, and, consequently, there might be a danger that the place would get less allotted and appropriated now than it would at that future period.

4863. Would not that immediate appropriation of the amount of augmentation to be granted at the expiration of 21 years, which would be the period of the renewal, be an admission of the equity of the local claim, accompanied by a postponement, after that admission, for the period of 21 years?—Yes.

4864. Do you think that that postponement would give satisfaction?—I think the postponement would not give complete satisfaction. But I am not sure whether the recognition of the claim now more definitively than by putting it into the Appendix to a Report, would not give greater satisfaction than the present system.

4865. Do you think that any recognition without immediate augmentation by money payment would much diminish the dissatisfaction now existing?—I think it would diminish it, but not much.

4866. Sir *William Heathcote.*] I presume that the application of the fine which was received, in the manner alluded to by Mr. Butt, would tend to diminish the dissatisfaction?—It would be merely the interest of the fine.

4867. Sir *James Graham.*] That accumulated at compound interest for 21 years would be equivalent to the grant of the principal?—Of a large portion of the principal, certainly. It is the interest upon the fine, but the fine is paid down now for the purchase of a portion of the property. I really am not aware of the way in which the actuaries calculate those things; but what Sir James Graham now suggests I think very likely is the truth, namely, that they calculate the amount of fine at an interest which will accumulate at a compound rate, and, consequently, the immediate interest ought not to be payable at all, because it is a portion of the purchase-money of the estate.

4868. Sir *William Heathcote.*] Is it not the rent of seven years which will not occur until after 14?—It depends entirely upon what the fine represents.

4869. Does

4869. Does not it represent seven years after 14?—It does, certainly.

4870. Mr. *George Butt.*] In other words, is it not the present value in money of an annual rent for so many years for which the fine is payable?—Yes.

4871. Sir *William Heathcote.*] And would not the result then of the Commissioners taking that fine and applying the whole of the interest to the local claim be, that when the estate fell in, at the end of 21 years, the value of the seven years would have been applied to the local claim, leaving the whole of the rest of the estate available for the other purposes of the general fund?—Yes.

4872. Sir *James Graham.*] Would not that transaction be open to the objection of forestalling the means available for the common fund?—I am inclined to think it would. It is a calculation which I have not gone through; it turns upon the question whether the fine paid down now represents the whole value of the purchase-money to be paid for the property, or whether the value of the purchase-money paid for the property is the fine with the accumulating interest. If it is the fine with the accumulating interest, then clearly by giving the interest upon the fine, you are giving a portion of the capital and not the income.

4873. Mr. *George Butt.*] Is it anything more than appropriating the rent which is received annually, and if that be not taking any portion of the purchase-money, how can taking the interest of a fine be taking any part of the purchase-money?—Because the interest upon the fine in the case supposed (I am putting it hypothetically) is the accumulating interest which is to represent the principal sum given for the property, together with the fine.

4874. Take a rent of 20 *l.* a year; how does that differ from the interest of a fine. Supposing you took a fine you would say, rent at 20 *l.* a year for seven years' fine, present value of 20 *l.* a year for a term of seven years, say, 500 *l.* Supposing you do not take a fine, but grant a renewal at 20 *l.* a year for seven years, where is the difference between the 20 *l.* a year as the interest of the sum of the fine and the 20 *l.* a year which is the annual rent of the term?—Twenty pounds a year in the case you are supposing is reserved rent, and 20 *l.* a year you are receiving immediately; the 20 *l.* a year which is the interest upon the fine, representing the value of the property over and above the value represented by the reserved rent may or may not, according to the calculations of actuaries (and I am not acquainted how they deal with the subject) represent the actual purchase-money of the estate, and consequently not the income in that particular manner.

4875. I am assuming that it is paid as a fine for the renewal; the fine is nothing more than the present value of the rent for the term?—I think it really comes to this, as to what the actuaries would say that fine, with the interest upon that fine, does or does not represent in their computations; if it represents income, then I agree with you that it is income available now; if it represents principal, then I should take leave to doubt whether your position would be tenable, and whether it ought to be applicable now, consistently with the rules laid down by Parliament.

4876. Supposing I hold of you an estate of 100 *l.* a year, for 20 years, and I say to you, I will pay you the present value of that, and so annihilate the rent, what I pay is still the representative of the rent in that case; so, if you grant me a lease upon fine, instead of a larger annual rent, the fine represents the portion of the rent which is not reserved?—If you had no question of fines at all, and you were to make an extended lease of the property, and in consideration of that extended lease you were to get a larger reserved rent, it might or might not be legitimate income to be applicable to the local claim; but until you can reduce it to that point, that you are only getting income, and not capital, I conceive that, according to the rules prescribed by the Act of Parliament, you would not be justified in applying it to the local claim. Whether it is capital or whether it is income is one of those questions which I am afraid I am not competent to give you an opinion upon, and therefore you will forgive my not doing so.

4877. *Chairman.*] Is not the fine merely an advance of money by the lessee, in consideration of the rent which he is to receive at the end of 14 years?—It is in consideration of his having the lease for seven years after the existing 14 years' term.

4878. Mr. *Ingham.*] Do you see any objection, in the case of the Whitby lease, to granting a renewal upon an annuity of 21 years, instead of granting it upon a fine; at the end of the 21 years you would come into possession of the

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whole of the rentcharge?—You might do that; but I am afraid the lessee would not like that mode of dealing with the question so well.

4879. He might not like that mode of dealing with the question so well, but if there was any doubt thrown upon the subject of renewal on fines, it might be the same thing to him. Lord Harrowby's Commission, I think, computed a year and a half's fine (which is the principle with respect to the Archbishop of York's leases) as equivalent to 25 per cent. in an annuity paid for seven years; that if the lessee paid 25 per cent. for seven years it would be the same to him as paying down in ready money a year and a half's purchase. But if you extended that annuity, and, instead of seven years, made it run for the whole twenty-one years, you might take it at 8 per cent. Then you would have 8 per cent., which, in this given case, would be 200 *l.*, with which you could endow the parish immediately; and when the lease expired you would have the whole residue of 2,600 *l.* to apply to the other purposes of the common fund?—That might be an advantageous way of doing it, but I think you will have to bear in mind the great danger of doing anything to disturb the minds of the lessees as to what they think that Parliament has already given them.

4880. Lord *Robert Grosvenor.*] I rather understand, from the answers which you have given to the questions about the local claims, that you do think it a subject at all events worthy of consideration, whether the amount of interest paid upon these fines with one more renewal, might not be applied for relieving the spiritual destitution of the places from whence the tithe rentcharges proceed?—I think I rather expressed this opinion, that if the interest represents the principal of the purchase-money, I think it ought not; but if you can prove to me that a fine so taken does represent the whole of the purchase-money of the property without the accumulation of the interest in the meantime, then I think it might be applicable. I put it in that way, because I really am not able to solve the question.

4881. The Act of Parliament upon which you act in the disposal of the monies which come into the hands of the Ecclesiastical Commissioners, is, I think, the 3 & 4 Victoria, chapter 113. Clause 67 of that Act has been adverted to as containing the words which give you such directions as you have upon the subject; those words are, that you are to render assistance in such a manner as shall be deemed most conducive to the efficiency of the Established Church?—Yes.

4882. Is not that in point of fact the clause upon which the Commissioners have hitherto acted?—Yes.

4883. When Sir George Grey stated that you were bound to consider only the amount of population and the inadequacy of endowment, that is hardly a correct statement of the case, is it?—You are bound to consider many things; the amount of population, the amount of the endowment, the means by which that parish may hope to receive a larger amount to provide for the wants of the Church, the scattered character of the population, which may require a division into districts; all those are elements which you must take into consideration, and of course you must classify pretty generally under the different heads that which you propose to give to them.

4884. In any future legislation upon the subject, do you wish the discretion of the Commission to be fettered at all, or do you wish that same definition of its discretion to remain?—I should wish a large discretion to be given to the Commissioners.

4885. As far as you have considered it, do you think that discretion is sufficient in this clause?—No; if my strictly legal view of the clause is right, I should almost doubt whether it was quite sufficient; because I think there are a great many cases where you could sensibly add to the efficiency of the Church by grants to be met by corresponding grants from individuals, which, if it is only a case of destitution that you ought to regard, cannot be attended to at present.

4886. Have you not that power under that clause?—According to my view, we have not.

4887. Then what you wish is, that the legality of such an exercise of discretion should be affirmed?—I think so.

4888. But rather to enlarge your discretion than to narrow it?—Certainly.

4889. Lord Robert Cecil has asked you a question with regard to local claims;

claims; he has put a case where the bishop or chapter is a receiving chapter or bishop out of the common fund, but where the chapter or bishop still continues the management of the property; you stated, in answer to him, that you thought there no local claim could arise. In a previous part of your evidence you stated that the Ecclesiastical Commission could not deal with it until the property came into its own hands; you said that the bishop or chapter could not deal with it, because they would be giving that which, in point of fact, was not their own, and in which they had not an interest. In another part of your evidence you stated that the Ecclesiastical Commission was in the habit of dealing with such a case as building a church or schools; how, then, would that local claim be satisfied if neither the Ecclesiastical Commission nor the receiving bishop or chapter could act?—I think the former class of questions related to cases where a distinct local claim arose; the latter class of questions related to cases where the property was vested in the Commissioners, in the character of landlords. With respect to that latter part of the case, I said that the Ecclesiastical Commissioners, as landlords, ought to deal as liberally as other landlords; but with reference to the former part of the case, namely, where the property is not vested in the Commissioners (for they have not got the property in the case supposed), they have only to sanction the act done by the bishop or chapter; and I cannot conceive how the the local claim can be properly attended to.

4890. Then I presume that the application would be made to the bishop or chapter, and they would make their recommendation, which would be sanctioned by the Ecclesiastical Commissioners?—They would be asked for it to be done, and they would ask that it might receive the sanction of the Ecclesiastical Commissioners; what the Ecclesiastical Commissioners have then to consider is, whether the money which they are paying over to the chapter is greater than that which they are receiving from the chapter; if it is greater, then of course they are drawing upon the common fund again.

4891. Still they would draw upon that common fund in a case where a landlord was called upon to exercise his duty?—Yes; but it would be out of that particular property, vested in them with an equitable, or at any rate, a social obligation attaching to it to provide for the wants of the Church, otherwise the fact of the Church property getting into the hands of the Commissioners would make the places much more destitute.

4892. I think I have not made myself understood; what I want to know is this: in a case where the property remains in the hands of a receiving chapter or bishop, how would that locality get the money for its church, chapel, or school, or whatever it wanted?—Now you are supposing again, not a case of tithe, but other property.

4893. Property of other kinds?—In all those cases where the chapter applies for a thing to be done, that is sanctioned in the accounts by the Ecclesiastical Commission.

4894. Have any applications so called local been made to the Commissioners with regard to that portion of the Finsbury prebend which is in their power?—Yes; a great many applications have been made to them from the parishes, and from parishes near to the parishes where the property is situated.

4895. No decision, I presume, has been yet come to upon that subject?—Two reasons have been given why those applications cannot be attended to; the first is, what was called here, and which, I am afraid, I must call the stereotyped answer, that there are no funds out of which the money can be granted; and, secondly, that these are not cases of tithes, and therefore not cases under the Act of Parliament; but those cases, which would be cases where assistance may ultimately be required (and, perhaps, in some of them, even prior to others) for the deficiencies to be supplied, would, of course, as soon as we have a surplus, be fairly and equitably considered with the others.

4896. Lord *Robert Cecil.*] Have you turned your attention at all to the suggestions made by Mr. Lefevre, with reference to the desirability of limiting the Church Estates Commission to two?—I have.

4897. Is it your opinion that his view is correct?—I think that the reason which Sir George Grey implied by the question which he put, namely, what are the Church Estates Commission to do if there is a difference of opinion between the two, is conclusive as to the necessity of having three; I think in addition to that, that the fact of there being a third member, to whom they could refer, would be of immense value in deciding some of these complicated and difficult

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questions, which, as you get a surplus, will become more difficult and more complicated than they ever have been before.

4898. Would you propose that the third member should remain unpaid?—On first coming into the Committee my impression was that, perhaps, it would be better upon the whole that he should remain unpaid; but I think that it is so unreasonable to require a man like Mr. Lefevre to give up his services to the Commission without receiving anything for it, and that the fact of the payment puts such an obligation upon him to attend every meeting, that I have arrived at the conclusion that a third paid Commissioner would be of advantage to the Commission.

4899. You would pay him of course out of the funds of the Church?—Unless another mode was consented to.

4900. Both the present Commissioners are paid 1,000 *l.* a year each, are they not?—No; 1,200 *l.* a year is paid to the chief Commissioner, and 1,000 *l.* a year to the Archbishops' Commissioner.

4901. Do you contemplate the Ecclesiastical Commission being a permanent body?—It is so now, and I do not see how it can be otherwise.

4902. You do not see any way of getting out of it?—I do not.

4903. If that is the case, the only guarantee, of course, for its right action is the check of public opinion?—Yes.

4904. Do you not think that that check of public opinion would act more effectually upon the managers of the Church estates, if those managers were stated to be and were ostensibly the persons who actually managed the estates; that is to say, if the Estates Committee ostensibly managed the estates, and the acts of management ran in their name, than if, as now, the management ran in the name of a body like the Ecclesiastical Commissioners, who do not really manage the estates, and whose number is so great that all responsibility is destroyed?—I think there are two parties to satisfy; the community, and those persons whose estates are under the management of the Commissioners. I think, for the good of the Church, it is of immense importance that you should satisfy both of them that you are doing what is right; and I think that if Parliament knows, as it does know, that the Estates Committee as a small body are required to look into all these matters, and to manage the estates subject to the approbation, in many cases, of the Commissioners, every guarantee is given for that proper responsibility which public opinion can enforce for the proper management of those estates.

4905. You have said that that is subject in many cases to the approbation of the Commissioners, but surely it is not so subject in any case which relates to the actual management of the estates?—The management of the estates is in the hands of the Estates Committee.

4906. But not subject to the approbation of the Ecclesiastical Commissioners?—No.

4907. *Chairman.*] Are not the rules for the management of the estates laid down by the Commissioners generally, or sanctioned by them?—The Commissioners have the power to lay down rules, but they have not exercised that power. The Estates Committee have acted without any rules being laid down by the Commissioners, which implies that the Commissioners are satisfied with what the Estates Committee have been doing.

4908. Lord *Robert Cecil.*] Do the Commissioners know what the Estates Committee have been doing?—Yes; they know everything, or at least they have the opportunity of knowing it.

4909. Marquis of *Blandford.*] With reference to another subject, which has been referred to this Committee to consider, relating to the consolidation of the Church Building Commissioners with the Ecclesiastical Commissioners, is it your opinion that, by an extension of the existing powers of the Commissioners with regard to the subdivision of parishes, the necessary powers may be obtained for carrying on the process of subdividing parishes generally; you are aware that at present the Commissioners can only form a district where no church exists in the district at the time of its formation?—That is so.

4910. If that restriction were removed, is it not your opinion that all the necessary powers would then be centered in the Commissioners for the subdivision of parishes?—Yes, I quite think so; they want that one power.

4911. So that, in fact, having that opinion, you would think that, by a simple expedient, the carrying on of the parochial subdivision of the country may be effected

effected by means of the Ecclesiastical Commissioners and their existing powers?—Yes, I think so.

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4912. *Chairman.*] Would it not be necessary in that case that there should be a third Commissioner, who should be expected to give constant attendance?—I think it would be very advisable.

4913. Mr. *Ingham.*] You stated, I think, that there have been 300 enfranchisements in the course of the last year?—I think so.

4914. Have you any minute at hand to enable you to say what proportion of those enfranchisements have been in respect of house property?—No; but I can easily have that furnished for you, if you wish to have it.

4915. Mr. *George Butt.*] Should you think it desirable to consolidate all the Acts of Parliament relating to the Ecclesiastical Commission and the Church Building Acts?—I think the Church Building Acts are in such a state of inconsistency and confusion, that unless you consolidate them, nobody can know how to act upon them, and I believe they are being consolidated now.

Martis, 3° die Junii, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Mowbray.
Lord Robert Grosvenor.	Mr. J. A. Smith.
Marquis of Blandford.	Lord Robert Cecil.
Sir William Heathcote.	Mr. Ingham.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

The Reverend *Clement Moody*, called in; and Examined.

Rev. *C. Moody.*

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4916. Mr. *Mowbray.*] YOU are Vicar of Newcastle-upon-Tyne?—I am.

4917. How many years have you been vicar?—Three years.

4918. What is the extent of the present parish of Newcastle-upon-Tyne?—It extends about four miles by five, including the borough of Newcastle and certain townships. The ancient parish of Newcastle includes, besides the Parliamentary borough, a large district around the borough, over which formerly the vicar of Newcastle had jurisdiction.

4919. What is the population comprised in the ancient parish?—I estimate it now at about 100,000 at least.

4920. How many churches are there?—Six parish churches within the borough.

4921. How many districts?—Eight districts.

4922. How many clergy are there?—Fourteen altogether.

4923. How many of those are incumbents?—Eight of them.

4924. Are those incumbents separated from the vicar or under the jurisdiction of the vicar?—The vicar still claims jurisdiction over the ancient parochial chapelries of All Saints, St. John's, and St. Andrew's. Those three ancient chapelries contain a population of about 60,000. I should explain this part of my evidence. Formerly Newcastle was one parish, consisting of four parochial chapelries; those parochial chapelries were ministered to by the vicar, aided by the stipendiary curates, until 1808, when three of the chapelries were made perpetual instead of stipendiary; but I am not aware that any further change was made with respect to those chapelries; and therefore the Vicar of Newcastle does claim, and I may say, within the last 18 years, has actually exercised jurisdiction by claiming the right of preaching at those places. I should be very glad to see these things done away with as soon as possible, but I am merely stating what is the fact; and I might say, that the fact that the vicar still receives fees from those parochial chapelries, including every kind of fee, vicarial fee, tombstone and monumental fees, proves that he still has jurisdiction over those ancient parochial chapelries.

4925. What is the average net income of the eight incumbents?—Taking the

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vicar and the perpetual curates together, the average income is about 147 *l.* per annum.

4926. What is the net income of the vicar?—The net income of the vicar was 207 *l.* 5 *s.* last year.

4927. Does that represent the average net income of the vicar?—Yes; I should say it does very fairly represent it.

4928. *Chairman.*] Does that include the fees?—It is the net. I take the fees, the tithes, and rents together, and I make certain deductions for curates and all necessary legal deductions, which bring down the average net income to 207 *l.* 5 *s.* per annum.

4929. Mr. *Mowbray.*] The vicar has two churches under his charge?—He has.

4930. And keeps two curates?—And keeps two curates.

4931. Will you state the gross income of the vicar?—The gross income is 564 *l.* 9 *s.* 4 *d.*

4932. Will you state the amount of the deductions by which you reduce that to 207 *l.* 5 *s.*?—I have the details here: the deductions are, rates and taxes (this is on the tithe and glebe alone), 61 *l.* 13 *s.* 9 *d.* Pensions to incumbents (that is to say, the incumbents of the old parochial chapelries, who formerly were stipendiary curates), 11 *l.* By agency and other expenses, 31 *l.* 11 *s.* 2 *d.*; tenths of living, 5 *l.* 0 *s.* 6 *d.*; making altogether 109 *l.* odd; then the deductions upon the part of the fees and the house rent and repairs, and so on, amount to about 34 *l.* per annum.

4933. You have mentioned house rent; is there a vicarage house?—There is, in a very dilapidated state, I am sorry to say.

4934. Is it in such a condition that it is fit for your residence?—I cannot deny that, because I live there: but I can say that I have no such thing as a sitting-room to myself; and the whole roofing from first to last is in a dilapidated state, ready to fall in every year, I believe.

4935. Do you know the amount of the rectorial tithes of the parish?—They are about 1,800 *l.* or 1,900 *l.* a year.

4936. To whom do they belong?—Part of them belong to the Ecclesiastical Commissioners, and I suppose the other part nominally to the Bishop of Carlisle.

4937. The estates of the Dean and Chapter of Carlisle having been vested in the Commissioners, the portion which did belong to them is now vested in the Commissioners?—Yes; and the other part, I presume, in consequence of the arrangements with the new Bishop of Carlisle, will naturally fall into the hands of the Commissioners. Therefore I may say that the whole of the rectorial tithes really and truly are in the possession of the Ecclesiastical Commissioners.

4938. Are they under lease?—They are.

4939. To Sir Matthew White Ridley?—Yes; I believe they have about 11 years to run.

4940. *Chairman.*] Do you know the length of the original lease?—I believe it was for 7, 14, or 21 years, but the late bishop refused to renew, and therefore they have 11 years to run. I believe that is the true history of the thing.

4941. Mr. *Mowbray.*] Is there a great want of church accommodation in the parish?—Very great, indeed.

4942. Has any church been built there since the Reformation?—Only one additional parish church has been built within the present borough of Newcastle since the Reformation.

4943. What is the condition of the parish as regards school accommodation?—Very bad, indeed. After taking the Parliamentary returns, and making very accurate local inquiries, I found that there was a want of school accommodation for no less than 6,000 children.

4944. Have you made great efforts yourself to obtain increased school accommodation?—I have. I have proposed to the inhabitants of the town that we should raise, by means of local efforts, together with the grant from the Privy Council, the sum of 20,000 *l.*; and I am happy to say that we are going on very prosperously in every respect.

4945. How much have you raised?—I think about 5,000 *l.* odd. That was raised about a year-and-a-half or two years' ago, and we have now built two schools, which cost 2,200 *l.* and 1,500 *l.* respectively; and I think we shall start three more very soon.

4946. Mr. *J. A. Smith.*] Is that wholly done by private subscription in the town?—No; I suppose about 14,000, *l.* will be given by the inhabitants of the place; and we shall get about 6,000 *l.* from the Privy Council.

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4947. Mr. *Mowbray.*] Was the condition of the parish of Newcastle pressed upon the attention of the Ecclesiastical Commissioners in 1837, in 1841, and in 1846?—It was.

4948. Were successive memorials addressed to the Ecclesiastical Commission from successive vicars and clergymen, from the Bishop of Durham, from the Mayor and Corporation of Newcastle, from sundry Members of Parliament and Justices of the Peace, and from many hundreds of the principal inhabitants of the town?—That is quite true.

4949. Have memorials also been presented to the Bishop of Carlisle, the patron of the living?—There have.

4950. Have you yourself renewed your applications to the Ecclesiastical Commissioners this year?—I have, a short time since. I made application in the month of April to the Board, at the time of the decease of the late Bishop of Carlisle; and now that the Commissioners are in possession of the rectorial tithes, I thought the time had come when I should apply on behalf of the Vicar of Newcastle. I did apply to the Commissioners, and I received a very courteous answer, I must say; but still the answer does not altogether satisfy me. I do not blame the Commissioners altogether. It appears to me that the course of legislation probably has had something to do with the decrease of the income of the vicarage. I have here the answer from the Commissioners to my memorial, wherein I requested, on the one hand, that the patronage of the vicarage might be transferred by some means or other from the Bishop of Carlisle to the Bishop of Durham, because great inconveniences had been felt from that state of things, and I conceived it was really a great disadvantage to the town; and secondly, I applied for an increase of income. With regard to the increase of income, the Commissioners replied, "That it would not be consonant with the practice of the Board to augment any benefice having, as appears from a Return made by you in 1855 to be the case in this instance, an income exceeding 400 *l.* a year." Now I feel that the practice of the Board is certainly chargeable with a little inconsistency; for with regard to the distribution of the Gally Knight Fund, I find that the Commissioners have there throughout made the net annual value, not the gross annual value, but the net annual value of the benefice, the basis of their grants. But I beg to submit, that although the Vicar of Newcastle does receive 560 *l.* a year, he has not a beneficial interest in that amount, and that he has not in fact a beneficial interest in more than the net annual value, which is 207 *l.* 5 *s.* Therefore I must confess that I thought the practice of the Board had not been consistent, and, in this case, harsh, as the vicarage of Newcastle has been admitted by the Commissioners, and I may say by every one, to be a special case requiring special notice. What the Commissioners propose as their plan for increasing the income of the vicar, is not by adding to his income, but by subtracting from the population under his charge. Now, I think it is very important that this practice of the Commissioners should be distinctly understood with regard to the borough of Newcastle-upon-Tyne; for I think that, upon the principle of *ab uno disce omnes*, you will find that this mode of proceeding will interfere very materially with the position of the chief clergyman in every large town in England. They propose to diminish the population under my charge. Now, I will suppose that this practice goes on, and that the fees which I receive from the ancient parochial chapelries, which amount to about 110 *l.* per annum, are taken away from me, together with one parish of 2,300 souls; what is the effect of that? The effect of that is to reduce my net income to 229 *l.* 5 *s.* 3 *d.* Is that, I would ask, a proper income for the vicar of a great commercial town, which stands, I believe, next to Liverpool in commercial importance? I really do feel that I have some reason here to complain of the Commissioners. I find that their practice has not been consistent upon this subject; probably what I am now observing upon may apply in part to the Church Building Commissioners. They actually refused to give compensation to the vicar, but they give compensation to the incumbent, out of whose parish a district has been formed. Then, again, with regard to a parish that is endowed by the Commissioners, the parish of St. Anne's, if you look at the correspondence, you will find that representations were made, pressing upon the Commissioners the propriety of either continuing the vicarial fees or giving the vicar some compensation. But they neither continued the fees, nor did they give him compensation. So that I do contend that practically both the Ecclesiastical Commissioners and the Church Building Commissioners, together with legislation, have contributed to bring about this result with regard to the Vicar of Newcastle. And what is the character of it?

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At the present moment the net annual income of the Vicar of Newcastle stands actually below the net annual income of two of the old stipendiary curates of the vicarage. I actually stand third in point of net annual income.

4951. Will you state what the population is at present in the district belonging to the vicar, and how much the Ecclesiastical Commissioners propose to reduce it?—The population is about 9,500; but, as I said before, the vicar claims over the additional population a joint jurisdiction with at least the perpetual curates of the ancient chapelries; that is, over about 60,000 more.

4952. Marquis of *Blandford.*] Does he exercise any pastoral superintendence over that additional number?—I may say that from all parts of the town applications are made to me for pastoral superintendence.

4953. Have the perpetual curates of those districts the exclusive cure of souls within their districts?—I do not think they have the exclusive cure of souls; that is to say, I know of no Act of Parliament that has taken away from the ancient parochial chapelries the jurisdiction of the vicar. As far as I can understand it, the only difference which the law made was to constitute those ancient parochial chapelries perpetual instead of stipendiary curacies.

4954. Does the Vicar of Newcastle consider himself responsible for the cure of souls throughout those districts?—Certainly.

4955. Does he pay any of the curates who do duty there?—No; but he pays customary stipends, amounting to 11 *l.* a year, among the incumbents of the ancient chapelries; and moreover all the churchyards and churches are still supposed to be vested in the vicar, and the incumbents have no fees for tombstones or monuments.

4956. Is it the practice of the vicar to visit indiscriminately over the whole of the population in those districts, or does he in practice confine himself to his own district?—My practice has been not personally to visit much anywhere; but I have occasionally, when sent for, visited all over the town; because, since my incumbency, I have directed my attention to the interests of the whole town. I have felt that my position as vicar was such, and I have acted upon that feeling.

4957. *Chairman.*] Will you state to what extent the Ecclesiastical Commissioners propose to reduce the amount of population under the superintendence of the vicar?—They propose to do nothing whatever.

4958. Marquis of *Blandford.*] Are you aware what is the reserved rent of the great tithes of Newcastle?—No, I am not. [*See* Question 5011.]

4959. You say that when these great tithes, which are the property of the Dean and Chapter of Carlisle and of the Bishop of Carlisle, become vested in the Ecclesiastical Commissioners, they will have a rentcharge in respect of those tithes, which you think could be made available for the augmentation of the vicarage of Newcastle?—That is true.

4960. Are not you aware that the Ecclesiastical Commissioners are taking the property of the Dean and Chapter of Carlisle, and the property of the Bishop of Carlisle, and are giving them another sum, as income, in exchange?—Yes, I know that.

4961. Are you not aware that the sum which has been given to the Dean and Chapter of Carlisle is equal, if not more than equal, to the annual receipts of the property which has been transferred by them to the Commissioners?—Yes, I know that.

4962. Then do you conceive that, considering these circumstances, the transfer of the property to the Commissioners constitutes any claim upon the Commissioners to provide for the local wants of the parish, there being in fact no funds in their hands for the purpose?—Yes, I do *in prospectu*; for I must state that although I am quite aware that the episcopal and capitular funds have been merged into one common fund, yet at the same time I know that the Commissioners have made a special contract with the Dean and Chapter of Carlisle not to apply the money received from the sale of the estates to the common fund, except so far as to pay back to the Commissioners the advances made to the chapter out of the common fund. Now I contend that if the Commissioners can make advances out of the common fund *in prospectu* to the Dean and Chapter of Carlisle, they might, in the case of the Vicar of Newcastle, the vicar of the third commercial town in England, upon the same ground *in prospectu* make advances to augment his income.

4963. Are you not in error when you suppose that they have made advances *in prospectu* out of the common fund to the Dean and Chapter of Carlisle; is not the true reading of the clause rather this, that any advances out of the common

common fund are only to be made in the event of the estates of the chapter not yielding a sufficient sum to supply the revenue which has been agreed upon?—The estates have not yielded sufficient, and they have made advances.

4964. Then how is it possible that the Commissioners could have made any grant to supply the local claims of Newcastle, when the property which they have taken into their possession is not actually capable of yielding the income which they are to pay to the dean and chapter from whom they had taken it?—I have here a letter, which is a public letter from the Dean of Carlisle, which he put into the papers, in which he states that his own impression is, that they are bound to supply the spiritual wants of that parish from whence the tithe is taken.

4965. That is, if there is a surplus revenue; but clearly the first object of the revenue is to supply the income of the dignitaries; now, if the property is not sufficient to supply the income of the dignitaries, there can be no surplus to supply the local claims of the place?—I will just refer to the Act of Parliament, which I think rather meets my case. By the 3d and 4th of Victoria, chapter 113, authority is given to the Commissioners for endowing archdeaconries by the annexation of canonries; and under that provision, by schemes No. 546, 560, 676, they have directed that until the Archdeacons of Coventry, Chichester, and Hereford should be elected or appointed to canonries in their respective cathedrals, certain annual grants shall be made to them out of the common fund. And I would add, further, that when I consider that 400,000 *l.* or 500,000 *l.* have gone out of the diocese of Durham into the common fund, and only a sum of about 90,000 *l.* has been given back, not to the vicarial districts, but to establish the University of Durham, it does appear to me that in this very special case of Newcastle-upon-Tyne the Commissioners might act upon the practice which they have pursued in other places.

4966. Then in fact your claim would rest, not upon the property of the Dean and Chapter of Carlisle, but upon the property of the Dean and Chapter of Durham?—No: but I think we have a fair indirect claim on the Durham revenues, inasmuch as you will find that the increase of the population at Newcastle is really and truly created by the development of the mineral resources of the diocese of Durham to a great extent.

4967. Does not that raise rather a different question from that with which you began; because you began by saying, that upon the transfer of the estates of the Dean and Chapter of Carlisle, and of the Bishop of Carlisle to the Commissioners, you considered that your claim arose; but now you say that your claim arises in respect of the estates of the Dean and Chapter of Durham?—I only add that as a second claim; but will I adhere to the Dean and Chapter of Carlisle. If they receive advances out of the common fund, I ask whether it is an unreasonable request for me to make, that the town of Newcastle should be considered a special case? And I would say, *cæteris paribus* with regard even to the common fund. I do not believe there is in England any vicar or rector in a large town that is in so disadvantageous a position as the vicar of Newcastle; therefore, even *cæteris paribus* in respect of the common fund, I would say that he has a reasonable claim.

4968. Mr. *Mowbray.*] You consider that the vicar of Newcastle-upon-Tyne has clearly a claim upon the Ecclesiastical Commissioners as the vicar of one of the most destitute places, as regards spiritual instruction, in the kingdom?—Certainly.

4969. Further, you consider that he has a claim upon the Ecclesiastical Commissioners as assignees of the great tithes?—Yes.

4970. And further, you consider that he has another claim upon the Ecclesiastical Commissioners as being locally situated within the diocese of Durham, from which diocese, in the 19 years from the year 1837 to the year 1855, the Ecclesiastical Commissioners have received in the common fund upwards of 335,000 *l.*, while they have expended in the same diocese, during the same time, only a sum of 72,000 *l.*?—I do not know whether the latter fact is right, but I believe that is the general result. I speak from memory.

4971. You have alluded to the dilapidated condition of the vicarage; have you received any money from the Maltby Fund?—I have not.

4972. Have the Ecclesiastical Commissioners made any grant, or have they offered to send you 300 *l.* towards the improvement of your vicarage?—Yes, they did, on condition that I should meet that grant with 400 *l.* more.

4973. How was that 400 *l.* to be raised?—In the best way I could; by appealing to the public, I suppose.

4974. Was the grant of the 300 *l.* offered to you coupled with that condition?—I do

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—I do not remember that it was; it was simply on the condition that the rest would be raised, but my reply was, that I had no money to give, and that I could not burthen the living by borrowing money upon it; and that as to applying to the public, that was quite out of the question, inasmuch as we had already been very much afflicted by the cholera, and we had been afflicted by fire; and I was then asking the inhabitants for 14,000 *l.* to build new schools, and I was about to ask them again for 16,000 *l.* to build churches. Therefore I said I could not beg for myself. That was the substance of my reply to the Commissioners. Shortly after that, the Commissioners did grant to one perpetual curate 600 *l.*, and to another perpetual curate 600 *l.* That was soon after my application for 300 *l.*

4975. Mr. *Ingham.*] For what purpose did they make those grants?—For the same purpose, for building parsonage houses. To repair mine would cost 700 *l.*, very nearly the cost of a new house.

4976. Were those sums advanced out of the Maltby Fund?—Yes.

4977. Mr. *Mowbray.*] You stated that the patronage of the vicarage of Newcastle is in the Bishop of Carlisle; has your attention been turned to the question of the expediency of the patronage of one diocese being given to the bishop of another?—Very much.

4978. Have you written on the subject?—I have written upon the subject of cathedrals, and deans and chapters.

4979. What is your opinion with respect to the expediency of the patronage of a living in one diocese being transferred to the bishops of another?—I have a very strong feeling indeed that it is very inexpedient. With regard to Newcastle-upon-Tyne, I may say, without any compromise of confidence, that in many conversations I have had with the Bishop of Durham, I think I scarcely ever met him without his stating to me that he felt that it was a grievance to him that he had not the patronage of the vicarage. I know the late Bishop of Carlisle told me the same thing constantly, and I might add more; but it is a matter rather of delicacy. But I would refer to the present state of Newcastle. I would refer particularly to two facts; one fact is, that we have only had one additional church built since the Reformation; and I will just refer to my evidence upon the state of our school accommodation.

4980. Mr. *J. A. Smith.*] What is the state of Dissent in Newcastle?—It is not very active, I should say.

4981. Do the larger proportion of the population belong to the Church of England?—I should say so, nominally. We are, of course, always obliged to admit that a great proportion belong to nobody, and that they go nowhere.

4982. Are you at all acquainted with the hill parishes in Northumberland?—No, I am not, except from general knowledge that they are large, and untractable in point of management.

4983. Do you know the revenues of the clergymen generally?—They are very large indeed in the whole diocese of Durham, generally speaking.

4984. Is that the case in the hill parishes in Northumberland?—I am speaking generally; I should say they are very large.

4985. *Chairman.*] The incomes of the clergy are large, and the districts are large?—The incomes of the clergy are large, and the districts are large. But I ought to make a special exception in favour of the two Shields, North Shields and South Shields; they are large growing parishes, and being a population created mainly by the development of the mineral resources of the Bishop and of the Dean and Chapter of Durham, I think they have a local claim upon them.

4986. Marquis of *Blandford.*] Have you ever made application to the Bishop of Durham or to the Dean and Chapter of Durham to assist you?—No; but many applications have been made, and they have ended in nothing. Applications have been made for schools also.

4987. Have you ever received anything for schools?—Yes, I have from the present Bishop of Durham.

4988. Have you ever received anything from the Dean and Chapter?—No; they thought we had no claim upon them.

4989. Mr. *Mowbray.*] Have the Dean and Chapter of Durham any connexion with Newcastle-upon-Tyne?—They have some small property, I believe.

4990. Marquis of *Blandford.*] Have they any property in the neighbourhood?—Yes, considerable in Northumberland.

4991. About Newcastle?—Not much that I am aware of.

4992. Mr. *Ingham.*] What is the distance of Wall's End from Newcastle?—About two miles and a half.

4993. The Wall's End manor belongs to the Dean and Chapter of Durham?—Yes, I believe it does.

4994. Marquis of *Blandford.*] Are not the coals raised at Wall's End shipped at Newcastle?—I believe that coal mine is defunct.

4995. And the port of Newcastle contributes very much to give increased value to the property of the Dean and Chapter of Durham?—I should say rather that the property of the Dean and Chapter and the Bishop created the population of Newcastle.

4996. Therefore you consider that you have a claim upon them?—I think we have a claim upon them, and that we have a claim, also, upon the common fund.

4997. But you say that they have not supplied anything to you?—No; they think we have no claim, and therefore they give us nothing.

4998. Mr. *Mowbray.*] You have no direct claim upon the Dean and Chapter of Durham?—No.

4999. The claim that you think you have is as a portion of the diocese of Durham?—Rather more, I think; inasmuch as the opening of the mines belonging to the Dean and Chapter of Durham has created the population. I think we have an indirect claim from that simple circumstance.

5000. The Dean and Chapter of Carlisle and the Bishop of Carlisle, who are the owners of the great tithes, are now represented by the Ecclesiastical Commissioners?—Yes.

5001. Marquis of *Blandford.*] Is that the only portion of property of the Dean and Chapter of Carlisle or the Bishop of Carlisle which is in your neighbourhood?—I believe the only portion within the borough of Newcastle.

5002. Those tithes are under lease?—They are.

5003. Was there not, in the reply which you received from the Commissioners, a notification to this effect, that when the lease of those tithes expired, the local claims would be considered?—I will read the reply: "With reference to the local claim upon the rectorial tithe-rentcharge of the ancient parish of Newcastle, a portion of which formerly belonging to the Dean and Chapter of Carlisle is now vested in the Commissioners, I am to explain that the nature of the arrangement under which the capitular property has been transferred to the Commissioners is necessarily such as to preclude their taking into consideration the local claims until the chapter shall have been re-endowed with real estates; and that where any of the property was transferred subject to lease, the recognition of such claims will, according to the rules governing the proceedings of the Board, be also contingent on the expiry of the actual or estimated term of any beneficial lease or leases to which the tithes may be subject."

5004. And there are about 11 years of the lease to run?—Yes.

5005. Then in 11 years' time you will have that recognition on the part of the Commissioners?—Yes; but in the meantime look at our population, and at the rate at which it is increasing. In the period from 1811 to 1851 we nearly trebled our population, and from 1841 to 1851 the rate of increase was double that of England, as a whole.

5006. But confining the question to what it was possible for the Commissioners to do from the tithes, was it possible for them to do anything more, the tithes being under lease, than to give you a portion of the reserved rent that came into their hands?—That was their reply; but still I venture to submit, that as advances are made out of the common fund *in prospectu* to the Dean and Chapter, it was not unreasonable for us to expect that the Commissioners would *in prospectu* make an advance to increase the income of such a vicarage.

5007. When you say that advances are made by the Commissioners to the Dean and Chapter *in prospectu*, what do you mean?—Because they are paying money out of the common fund, and they are receiving not sufficient to realise what they pay.

5008. Do you mean a promise of aid *in prospectu*?—No. I mean, that if they are entitled to do so now for the Dean and Chapter *in prospectu*, we are entitled to a grant now. In the same manner in which the Commissioners make advances to the Dean and Chapter of Carlisle, I think they might make an advance on behalf of the vicar of Newcastle.

5009. When you say "*in prospectu*," do you mean that they should begin to make advances immediately, or at the end of a certain number of years?—Immediately, I hope.

5010. *Chairman.*] You mean that they should make advances in prospect of the time when the lease shall cease?—Yes, in prospect of the time when they will get possession of the rectorial tithes.

5011. Marquis of *Blandford.*] You are aware that the reserved rent on those tithes is only 11 *l.* a year?—Yes; 11 *l.* for the Dean and Chapter, and 11 *l.* for the Bishop, making 22 *l.* in all.

5012. Mr. *Ingham.*] You were asked whether the Dean and Chapter had done anything towards schools at Newcastle; was not it the fact that the Dean of Durham attended for several Sundays in the parish church, and gave a series of lectures upon Education for the purpose of stimulating education in the town?—Yes, he did, certainly. I must be allowed to say, that as far as the Bishops of Durham have been concerned, I am not aware that any Bishop of Durham has done anything for Newcastle, except the present Bishop of Durham. I believe the present Bishop of Durham has given more for education and church building at Newcastle than all his predecessors put together. But at the same time I ought to add, that when his lordship promoted my predecessor, who was worn down by ill-health, and the health of whose family had suffered in consequence of the unwholesome state of the vicarage (the position of the vicar being a magnificent one, which any man might be proud to hold, but which condemns a man to live in splendid poverty), when the bishop promoted him, his lordship said at once, "I do not consider that you have any claims upon me, although you have been working here for 12 or 13 years, but I think the Bishop of Carlisle ought to promote you." But the present Bishop of Durham has certainly done more for the borough of Newcastle than all the previous Bishops of Durham put together. For the last 300 years there is no one instance on record of a vicar of Newcastle being promoted to a canonry, except one, some 160 years ago.

5013. *Chairman.*] What was the promotion given to the late vicar of Newcastle?—An archdeaconry, which by-the-bye is scarcely worth having, I am sorry to say, in point of emolument.

5014. Mr. *Ingham.*] Is not the living of Eglingham attached to it?—Yes; there is an area of some 20 or 30 miles, and I believe the net income is quite inadequate to support the archdeaconry, and therefore the promotion is not so great as it might appear.

5015. But it was an acknowledgment on the bishop's part of his interest in the town of Newcastle?—Well, I desire it to be understood that the present bishop has done more for Newcastle than all the previous bishops together. All the Bishops of Durham have felt that as they had not the patronage of Newcastle, the vicar of Newcastle had no claim upon them.

5016. *Chairman.*] Supposing adequate provision to be made for the spiritual wants of Newcastle, do you consider that there would be any advantage in the vicar having any pastoral superintendence beyond his own district?—No, I do not; I should be very glad to see a new arrangement with regard to that. The present arrangement is not desirable, the vicar claiming jurisdiction over some 60,000 inhabitants, which, of course, is considered a great grievance by the incumbents of those parishes; but, at the same time, I should wish to press upon your attention, that the position of the vicar of Newcastle has been such, that from time immemorial I am sure (though it is a subject which it is a matter of delicacy for me to speak of) his influence has been greater almost than that of the bishop; I think there are members on this Committee who can confirm that as having been the case before my incumbency; I say nothing of my own incumbency.

5017. Mr. *Ingham.*] Has there not recently been a church built at Westgate, which has been obliged to be parted with because there were not means to maintain it?—From motives of delicacy I did not mention that, because it is not a parochial church; but since it is mentioned, I am sorry to say that that church was built, but there was a debt of about 3,000 *l.* upon it. Unfortunately the Bishop of Durham, by the advice of his secretary, consecrated the building for a chapel of ease; the result was, that it was sold, I am ashamed to say, to Dissenters, on account of some mismanagement on the part of the bishop's secretary.

5018. There was a lack of means to maintain the church?—Yes. The church was offered to the Commissioners over and over again. They were told that the inhabitants would put it out of debt if they would only give it a district; but the reply was, that the law prevented them from doing it. Over and over again the Commissioners said that.

5019. Mr. *Mowbray.*] Did I rightly understand you to say that it was consecrated by the Bishop?—Yes.

5020. And afterwards sold?—Yes; it would not have happened anywhere else but at Newcastle, I believe.

5021. *Chairman.*] Are there many dissenting chapels at Newcastle?—Yes, a great number; but, as I understand, they are not well filled. But another great evil resulting from the practice of the Commissioners of endowing districts and not giving the vicar compensation is, that the Dissenters are leaving the thickly-populated and worst parts of the town, and going into the fashionable parts, and building their chapels there; therefore they are going to leave to the vicar, when his jurisdiction is lessened, and the old incumbents, the most difficult population to deal with.

5022. Mr. *Mowbray.*] In what way did it happen that this church was sold to the Dissenters?—It was illegally consecrated; that is the fact; and therefore we had no legal claim to it. The deed by which that property was conveyed, stated that after the debt upon the building and the cemetery had been liquidated, then, and not till then, it was to be consecrated. But the bishop's legal adviser told him upon one occasion that that was no legal impediment, and unfortunately the bishop consecrated it.

5023. Lord *Robert Grosvenor.*] With respect to your parsonage, I understood you to say that you were offered 300 *l.* for the repair of your house out of the Maltby Fund; why did you object to mortgage the living for the small sum of 400 *l.*?—How could I do so when the net annual value of the living is only 207 *l.* a year? I would rather leave, and pay dilapidation, as I shall have to pay about 300 *l.* dilapidations when I leave.

5024. Would not the repayment of the sum have been spread over a great many years?—So it would, but I acted under advice. I did not think I had any money to give myself, because I had spent more money there than I ought to have spent. I will just state to the Committee two or three results from a work I published last year. Here we have at Newcastle, according to the last census, two Ecclesiastical districts with an aggregate population of 18,256 souls, having neither parish church nor parish schools; three perpetual curacies, with an aggregate population of 53,222 souls, and only three parish churches, and two sets of parish schools for boys, girls, and infants.

5025. Lord *Robert Cecil.*] Do you know for what price the church was sold?—£. 1,600.

5026. Was that above its value as a building?—Certainly not. So much has been said about this, that I am bound to state that the fault lay not with the people of Newcastle, but with the bishop's secretary. The bishop's secretary agreed to purchase the church; and as he, through ill advice given to the bishop, had unfortunately brought this scandal upon the Church, I thought that he ought to supply a handsome sum towards the purchase of it. He agreed to find 600 *l.*, and to attend the sale and buy the church; and I said that I would complete the contract in a fortnight; but he never came near the sale. The day after, when he was seen in Newcastle, he told a gentleman that he had forgotten it, although he had told me that he was obliged to be there on behalf of the bishop.

5027. By what sect was it purchased?—By the Independents. If the Commissioners had only had mercy upon us some years ago, and made that into a district, the debt upon the church would have been paid, and we should have been saved that scandal; but they objected to do so, because they had not legal powers.

5028. *Chairman.*] What was the date of the transaction?—The church was sold last year.

5029. What was the period of the refusal, of which you spoke, on the part of Commissioners?—I do not know. A great deal of correspondence has taken place between one of the trustees of the church and the Commissioners; but it was before my time, and therefore I will not pretend to speak to that. I am very sorry this subject has been brought forward.

James J. Chalk, Esq., called in; and further Examined.

5030. *Chairman.*] DO you know anything of the transaction that has been alluded to by the last witness?—The church was not within the district which was constituted by the Commissioners. The truth is, that the church was locally

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situated so that it should have been in that district, but the Act precludes the Commissioners from constituting a district having within it a consecrated church or chapel in use for divine worship, and accordingly the district was purposely formed so as to leave the church out; the Commissioners had no alternative.

5031. That was in consequence of the wording of the Act of Parliament?—Yes. The Commissioners have no power to constitute a district having within it a consecrated church or chapel in use for divine worship.

5032. Was a new church built within the district constituted by the Commissioners?—A new district was constituted; an incumbent has been appointed, and he is now in correspondence with the Commissioners upon the subject of building a church. As I am before the Committee, I may be permitted to state what the Commissioners have done for Newcastle. There is no doubt that the case of Newcastle is a very strong one, and that when the great tithes fall into the possession of the Commissioners it will be attended to; but in the meantime the Commissioners have not wholly neglected Newcastle, for I find by our reports, that on the 10th of June 1843 they made a grant to the perpetual curate of St. James's, Benwell, of 126 *l.* in perpetuity, and on the same day they made a grant to St. Anne's of 140 *l.* in perpetuity. On the 6th of April 1846 they constituted the district of St. Paul, High Elswick, which is that just alluded to, endowing it with 150 *l.* in perpetuity; and on the 23d of May 1844 they constituted the district of Byker, to which an annual grant was made of 150 *l.*; making our annual grants to Newcastle, altogether, 566 *l.* They would even now give more to Newcastle, but having no surplus they cannot. They have also provided half the means for erecting a house for St. James's, Benwell (the church I first mentioned). In addition to that, out of the Maltby Fund, which is wholly appropriated to parsonage houses, they offered, as has been stated, 300 *l.* to the vicar, which was refused. They have also made two grants out of the Maltby Fund of 600 *l.* to two perpetual curacies: these grants were submitted to the Bishop, and approved by him. In the first instance the grant to the two perpetual curacies was only 400 *l.* each, but upon a very strong representation being made by each of the incumbents the Commissioners were induced to increase the grants to 600 *l.*

5033. Were those grants made upon any conditions?—On the condition that the remainder of the sum necessary for providing a house should be raised from other sources.

5034. Was that sum specified?—No; the Commissioners leave that to the incumbents; they only require that a certain amount of accommodation and certain stability should be provided, and if that be done the Commissioners are satisfied.

5035. In the case of the vicar of Newcastle, a certain sum was specified which he was to contribute?—In the case of the vicar of Newcastle the application was for the repair of the house. Now the Commissioners make a distinction between the repair of an existing house and the building of a new one. The vicar is bound by law to keep his vicarage in repair, therefore the Commissioners do not make so large a grant for repair as they do for building; in fact they very rarely make grants for repair. But the case of Newcastle was considered an extreme one, and it was on that ground that any grant was made.

5036. Mr. *Ingham.*] Had you any plan sent up to you of the buildings of the vicarage of Newcastle?—I forget whether the plans were sent up; I think not.

5037. Have you ever seen the vicarage of Newcastle yourself?—No.

5038. Lord *Robert Grosvenor.*] Do you consider the case of the church at Newcastle, which has been mentioned, a perfectly exceptional case, and one not likely to happen again; or do you think that the law should allow the Ecclesiastical Commissioners any discretion with regard to that part of their duty under the Act of Parliament which would seem to make it incumbent upon them not to make a district where there is already a consecrated church?—I think that was an exceptional case; I should think such a case would never occur again; but I think it is very expedient that there should be such an alteration in the law as you suggest; in fact I have given evidence before another Committee to that effect, that it would be desirable to give the Commissioners the power of constituting a district, notwithstanding there may be within it a consecrated church or chapel.

5039. Marquis of *Blandford.*] The Commissioners do not consider making a grant out of the Maltby Fund the same as making a grant out of their own funds?—

funds?—No, they do not; and they invariably consult the bishop upon every case. *J. J. Chalk*

5040. Lord *Robert Cecil.*] In the case of dignitaries who receive fixed incomes, and who pay over the surplus revenues of their property to the Commissioners, do the Commissioners feel it to be within their province to take into consideration the local claims of those places where the revenues arise, in the shape of rentcharge?—There is no fixed rule upon that subject. Each case would be submitted to the Commissioners, and be considered by them. I think they would not be disposed to lay down any fixed rule upon the point. 3 June 18

5041. Even though the rentcharge is not absolutely in their possession?—Even though the rentcharge is not absolutely in their possession. The bishop or chapter would apply for permission to do it under the 1st & 2d of William the Fourth, chapter 45, called "The Archbishop's Enabling Act."

5042. And it is the practice of the Commissioners, if they think there is reason for it, to permit them to do so?—They have sanctioned such grants in some cases; but it is necessary to do it with great caution, for two reasons: first, because it is indirectly a grant out of the common fund; and secondly, because the powers of that Act are very frequently only resorted to in their prospective capacity. There are two powers in that Act, one to enable the dignitary to augment immediately, and the other to augment on the next renewal of the lease. It has been the more general practice, I think, with Ecclesiastical Corporations to augment prospectively.

5043. But the Commissioners do not feel themselves bound under the Local Claims Clause to take those claims into consideration?—They always consider every case that is brought before them; and it depends very much upon the circumstances whether they sanction it.

5044. But I understand you to say that they have a discretion; they do not feel themselves constrained to do so by the clause?—No, they are not constrained to do so by the clause.

5045. *Chairman.*] The lease of the great tithes at Newcastle has not been renewed by the Bishop of Carlisle?—I understand that is so; these tithes have not as yet come into the possession of the Commissioners; the arrangement for transferring them to the Commissioners has not yet been completed, and therefore I have no information upon that subject, but I believe that is the case.

5046. Supposing that to be the case, the Commissioners, according to their usual practice, will not renew the lease?—They will not renew the lease, certainly.

5047. Therefore, supposing other things to remain undisturbed, in 11 years the lease will come into their possession?—No doubt it will.

5048. Marquis of *Blandford.*] Supposing the Commissioners were to purchase the lessee's interest in those tithes, would they then consider that the local claims arose immediately, or that still they did not arise till after the expiration of the lease?—Not until the time at which the lease would have expired.

5049. *Chairman.*] That has been your usual rule?—That has been the practice. It must be understood, that although the Commissioners will not recognise a special claim on these tithes on the part of the parish of Newcastle until the expiration of the lease, when the Commissioners have a surplus of their common fund, the case of Newcastle will be considered on the ground of its being a populous place, and will take its chance with other such places.

5050. That is upon a different ground?—Yes; as a populous place.

5051. Mr. *Ingham.*] Would that allow you now to increase the vicarage; the rule as to local claims being not to give any augmentation where the income is above 150 *l.* a year?—That was a rule which the Commissioners made in reference to general grants, many years ago, and did not govern cases of local claim; but those resolutions are suspended.

5052. Then the Commissioners would consider themselves at liberty, if they had funds, to augment the income of the vicarage?—Yes, I think, perhaps, their disposition would be rather to create new parishes, than to augment a parish having an income of 400 *l.* a year.

5053. *Chairman.*] It would depend upon the circumstances of the case when they were brought before them?—Yes.

5054. Mr. *Ingham.*] And the position and importance of the vicarage which they

they were called upon to augment?—Yes, it would be a matter for consideration, certainly. I have here a return, which I was desired to put in, of the expenses incurred by the Commissioners in opposing Private Bills (*producing the same. —The same was delivered in.*)

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Martis, 10° *die Junii*, 1856.

MEMBERS PRESENT.

Lord John Russell.	Lord Robert Cecil.
Sir George Grey.	Sir William Heathcote.
Marquis of Blandford.	Mr. J. A. Smith.
Sir James Graham.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. George Butt.
Mr. Walpole.	Mr. Mowbray.
Mr. Ingham.	Sir J. Pakington.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Charles Pott, Esq., called in; and Examined.

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o June 1856.

ide Appendix, page 223.

5055. *Chairman.*] DO you wish to add something to your statement which has been delivered in? *—I merely wish to observe that I am prepared to support by evidence, if the Committee should require it, the allegations of the petition of the lessees and sub-lessees of the Winchester Park Estate; and to suggest the necessity of an express enactment to prescribe the principle on which the enfranchisement of house property should be made, and to provide for the terms of value being referred to arbitration in cases where any difference exists, in the same way as in railway companies and in other incorporated companies. Perhaps the Committee will allow me to hand in, in support of the allegations in that petition, the opinions of two actuaries: Mr. Docker, of the London Life Association, and Mr. Goddard, of the Rock; it is merely for the purpose of confirming the opinions of the gentlemen which appear in the statement, Mr. Driver and Mr. Harrison.

The Witness delivered in the following Papers:

A. HOLDS an estate, consisting of houses (chiefly of a secondary class) under the See of Winchester, for three lives, aged respectively 62, 60, 52, subject to the custom, not the right, of renewal on the failure of a life.

It is proposed to enfranchise the estate.

Your opinion is requested on the following points; viz.—

1st. What is the value in years' purchase of the fee-simple of such an estate?
2d. What is the value of A.'s interest, exclusive of the custom of renewal?
3d. What is the value of A.'s interest, including the custom of renewal?

See the Report of the Episcopal and Capitular Estates Commissioners, 31st January 1850, and Report from the Lords, 25th July 1851.

I HAVE looked over the Report of the Episcopal and Capitular Estates Commissioners, and the Report of the Lords returned herewith, and I am of opinion that the value, in years' purchase, of the gross rental,—

	£.
1st. Of the fee-simple of the estate, is - - - - - -	14,286
2d. Of A.'s interest therein, exclusive of the custom of renewal -	11,067
3d. Of A.'s interest therein, including the custom of renewal - -	14,286
Less -	1,332

multiplied by the amount of fine.

Edw. Docker,
Actuary to the London Life Association.

3 November 1855.

A. HOLDS.

Charles Pott,

10 June 18

A. HOLDS an estate consisting of houses (chiefly of a secondary class) under the See of Winchester, for three lives, aged respectively 62, 60, 52, subject to the custom, not the right, of renewal on the failure of a life.

It is proposed to enfranchise the estate.

Your opinion is requested on the following points; viz.—

What is the value in years' purchase of the fee-simple of the estate?	In my opinion the present value of the above is 14¼ years' purchase on the net rental, after a proper deduction is made for repairs, premises remaining unlet, arrears of rent not recovered, &c. &c., which, on a property of the above description, must be considerable.
What is the value of A.'s interest, exclusive of the custom of renewal?	11 years' purchase of the net rental, after the above deductions.
What is the value of A.'s interest, including the custom of renewal?	14¼ years' purchase, after a similar deduction, and the present value of the fines payable on renewal.

Rock Life Office,
17 July 1855.

Jn° Goddard,
Actuary.

Mr. *Pott.*—Perhaps the Committee will allow me also to hand in the draft of an Arbitration Clause, which appears to Mr. Paynter and myself as proper to be adopted, as to the mode of enfranchisement.

The Witness delivered in the same, which is as follows:

PROPOSED Clause as to the mode of Enfranchisement.

IN every case where a treaty has been entered into under the provisions of this Act. or of the said recited Acts, for the sale of the reversion, whether of land or houses, or both, belonging to any ecclesiastical corporation, or which shall have become vested in the Ecclesiastical Commissioners, and the parties to the treaty cannot agree as to the price, the mode in which such reversion shall be valued is the following, namely, the value of the fee-simple; and the clear annual value of the property shall be ascertained by arbitration, according to the provisions of the 17th & 18th Vict. c. 116, s. 4, and the value of the lease shall be calculated at the same rate of interest as that at which the value of the fee is determined, and the difference between the value of the fee and the value of the lease thus calculated shall be the value of the reversion, and the price to be paid for the enfranchisement: Provided always, that, in calculating the value of leases which at the time of any proposed enfranchisement are reduced below 21 years, or the value of leases for lives, which at the time aforesaid shall, upon a proper estimate, be found equivalent to terms of less than 21 years, a further term of seven years shall, in the first place, be added to such leases, and the value of such leases so extended by the term of seven years shall then be calculated according to the rate of interest at which the value of the fee is determined, and the difference between the value of the fee and the value of the lease so extended shall be the price of the enfranchisement, and the lessee shall pay for such addition of seven years to his lease according to the same rate of interest-table as that at which the fine heretofore paid on the lease being renewed has been calculated.

Mr. *Pott.*—There do not seem to have been any enfranchisements simply of house estates; there have been enfranchisements of houses with land, but never, as I can collect from the Reports of the Church Estates Commissioners, of large estates of houses only; therefore it appears to me that Mr. Smith's argument is not supported.

Martis, 17° *die Junii*, 1856.

MEMBERS PRESENT.

Mr. Mowbray.	Mr. Wilkinson.
The Marquis of Blandford.	Mr. Walpole.
Mr. Ingham.	Mr. Evelyn Denison.
Lord Robert Grosvenor.	Sir George Grey.
Lord John Russell.	Sir James Graham.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR

Edmund James Smith, Esq., called in; and further Examined.

E. J. Smith, Esq.
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5056. *Chairman.*] THE Committee are about to have under their consideration and discussion, a resolution to this effect: "That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses under leases granted for terms of 21 years, an extension of the unexpired term to the 1st of January 1880, at the accustomed rate of fine, shall, as a rule, be allowed. No such lease to be extended beyond the said date." It appears, on looking at your evidence, that some proposal to a similar effect had been originally suggested by you; and no doubt you have had this resolution under your consideration; the Committee desire to hear from you what you think would be the practical operation of such a plan if it were adopted by the Committee, and afterwards recommended to Parliament?—The immediate operation would be, that with regard to those estates which are now vested in the Ecclesiastical Commissioners, the terms of purchase and sale would be altered from those which obtain at the present moment into terms in accordance with what your Lordship has just read. The evidence that I gave is found in answer to Question No. 816, and it states that, in consequence of each lessee having his term extended but once, if a person had his term extended immediately after those resolutions were agreed to, he would have a shorter extension, by almost a seven years' term, than if he had had it renewed just before, and consequently that the recommendations of the Upper House gave a greater extension in the second than it did in the first case, whereas the object of the extension was to give the same compensation to all persons in the same circumstances. The proposed resolution would give a further extension to those lessees whose time for renewal chanced to happen immediately after the passing of those recommendations.

5057. You consider then that this would put the lessees as among themselves on an equality?—Yes, that is the object of it.

5058. And I understand you to say, that a lessee who renewed shortly after the adoption of those resolutions by the House of Lords would not be allowed now another extension?—No; throughout the whole intervening period, if a lessee has renewed, it is expected that he has received the extension which was proposed in the Upper House, and the effect as between the two is, that the lessee who renewed immediately afterwards would stand at a disadvantage in comparison with the lessee who renewed immediately before, to the extent of about a ninth.

5059. Does not that inequality follow rather as a consequence from the construction which the Ecclesiastical Commissioners have put upon the resolution of the House of Lords, that resolution stating "upon enfranchisement or surrender," whereas the renewals to which you advert were not in contemplation of enfranchisement or surrender?—No; in the course of my examination that suggestion was made, I think, by Mr. Ingham; and it is to be found at No. 916. I do not think the resolutions are capable of that interpretation, because the precise object of any extension at all is to put an end to the previous system, and if the further extension is always to be added, however often the person may have renewed under a chapter, such persons have every inducement to go on on the old system

as long as they possibly can, and such an interpretation is entirely contrary to the whole object that was in contemplation.

5060. Do you consider that this extension to 1880 would now be a fair treatment of the lessees in the event of the enfranchisement of their property?—It would put them all in the same situation; those who renewed just before the passing of the recommendation of the Upper House, are able to hold on till the autumn of 1879, and as those persons have that extension, you can hardly call upon them to agree to have a shorter term; the only other mode of making all equal is by extending those who have a shorter term up to that same time; therefore I say 1880.

5061. A person who did not choose to enfranchise till 1860 would have only had a 20 years' lease allowed him?—Yes, that is so.

5062. Supposing he had then 14 years, he would have six years added to his existing lease?—Yes.

5063. This proposal refers only to lessees who have leases granted for terms of 21 years, or who have an interest less than a term of 21 years?—Yes, that is so.

5064. With regard to those lessees who hold under leases for lives, either under bishops or deans and chapters, how would you apply the rules of enfranchisement there?—If the term they have is equally short, it would come under this resolution, because this is only a continuation or extension of the existing recommendation of the Upper House, and in those existing recommendations, all such cases as your Lordship refers to are at this time included. I do not suggest it in substitution of the existing recommendations, but simply as an extension.

5065. As a mode of carrying that resolution into effect?—Exactly so.

5066. With regard to the existing law, and the existing system, can lessees holding leases for lives obtain in certain cases the putting in of a fresh life, either by a bishop, or by a chapter?—They can do so in certain cases, but those cases are few, and are gradually decreasing; there are few sees which continue to renew, and there are a very few holdings of the kind your Lordship refers to under the chapters. Almost the whole of the chapter leaseholds are held for terms certain.

5067. It has been, as I understand, the general practice, both with bishops and with deans and chapters, to convert the leases that previously existed into leases for terms certain?—That has been peculiarly so in the case of chapters; the change was advised in Charles the Second's time, soon after 1660; and almost all the chapters acted upon that advice, and have changed by degrees their leases into leases for terms certain.

5068. Do you think that there would be any injustice or any unfairness in making compulsory a rule upon which you say most of the ecclesiastical corporations already act?—I have always been decidedly opposed to any compulsory power at all, because I think you can attain your object as easily in the absence of it; and in the suggestion that you have before you there is no occasion for a compulsory power, or for any Act at all on the subject, because it will only act upon the chapters at the expiration of two and a half years from this time; it is obvious that up to 1859 it does not interfere with the chapters at all, because there is a whole term outstanding as from the 1st of January 1859; therefore there is no occasion for any Act on the subject at the present moment.

5069. But suppose the case of a renewal, that would, according to the ordinary practice, take place in 1861, namely, that a lease for 21 years was renewed in 1854, and that in 1861 the lessee came for a renewal; supposing the chapter to be unable to take a fine for that purpose, they would then be losers of a certain part of their revenue?—Yes, that is so; and you would have in the Session of 1858 or 1859 to take care that the members of the chapters did not suffer; but by that time you would have a number of chapters on certain incomes, and if the commutations of the chapters go on as they have gone on, (and there are, I understand, other offers) it may happen that you may hardly have occasion to pass any Act upon the subject; but if you have, you would only have to take care that the members of the chapters individually have their incomes.

5070. Have you considered the state of the funds of the Ecclesiastical Commission for some years to come in such a way as to enable you to say that provision could be made for the income of the chapters, without a very serious

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diminution, or almost entire absorption, of the common fund at that time?—I have no doubt at all that it can be done without any inconvenience, because you must remember that it does not begin at all until 1859; and then, although they cannot renew after 1859 for seven years, they still can for six, and so the charge increases very gradually. The beginning would be comparatively small, because it is only an eighth, in truth, of the sum the chapter would receive for fine that you would have to provide, because it would be able to renew for six years, though it could not charge a fine for seven years.

5071. Supposing a lessee to have in the present year an interest of 24 years, that is to say, a lease, of which the unexpired term is 24 years, and the fee in the Ecclesiastical Commission, what is the proportion of the property belonging to each?—He having to be charged for the extension of the term, you may take it into account at about half and half.

5072. You have not calculated it exactly?—No; it is about that.

5073. You consider then, upon the whole, that the adoption of such a resolution would be fair to the lessees and ultimately beneficial to the Church?—I think so, certainly; and it would also be peculiarly advantageous as carrying out the object which has been in view for a considerable time, that of putting an end at a certain time to the old system.

5074. Is not the period of transition, before the lessees have obtained enfranchisement, and before the Ecclesiastical Commissioners are put in possession of estates for the Church, one that is peculiarly injurious with regard to the improvement of property?—Yes, certainly it is.

5075. Is it not desirable, therefore, in your opinion, without making any sudden and abrupt change, to shorten that period?—I think it is extremely desirable.

5076. Do you conceive that, according to this plan, within a very limited number of years the change would be fully accomplished?—It would certainly tend to hasten the extinction of the past system.

5077. You cannot say that at any precise period it would be fully accomplished?—No; but I think that the time I have mentioned before, from about 16 to 18 years, would see it done.

5078. Marquis of *Blandford.*] At the end of the proposed resolution which has been read to you, it is said, "No such lease to be extended beyond the said date;" that refers to a lease of property under consideration for enfranchisement?—No; I mean any lease held for that term.

5079. Then it ought to be, "No lease to be extended beyond that date"?—No lease for 21 years.

5080. It means not only a lease of property which is under consideration for enfranchisement, but that no lease at all for 21 years should be extended beyond 1880?—Exactly so; the object being to put an end to the existing system at a definite period.

5081. No lease for 21 years, whether of property belonging to the chapters or property belonging to the Commissioners?—Just so. It is only a change as regards the chapters; because no lease of any kind has ever been renewed by the Ecclesiastical Commissioners since its institution.

5082. Then you contemplate that this resolution should be embodied, sooner or later, at least before the year 1859, in an Act of Parliament, which would have a compulsory effect upon all ecclesiastical property generally of this description?—If, in the interval between this time and the Session of 1858 and 1859, it should be considered desirable to do so, there would be ample time to have it done.

5083. When the period of 1859 has arrived, supposing Parliament to have adopted this resolution, and supposing it to be obligatory on chapters not to renew for any period beyond 1880, do you not consider that at that period it would be advisable that power should be given to the Ecclesiastical Commissioners to require a surrender on the part of the chapters of the property to themselves, similar to those transactions which have already taken place?—That question I would rather answer in 1858 or 1859.

5084. You do not say that in your present view you would consider it undesirable?—No; I should abstain from giving any opinion on the point either way.

5085. Can you state what is the general computation of the amount of interest at present derived from the estates of chapters under the existing leasing system.

Am

Am I right in assuming it to be about 25 per cent.?—I do not think there is any case under that, and there are some cases in which it is a great deal more. *E. J. Smith,* 17 June 18

5086. Should you say that as a general average it ranges at about 25 per cent. on the annual value of the property?—In the case of chapters, assuming them all to be on terms certain, it averages much higher, certainly.

5087. Should you say it amounted to 30 per cent.?—Yes. I should say that it ranges from 25 to almost 35 or 36 per cent.

5088. Under the present system of leasing?—Yes.

5089. You have already stated in your evidence, but perhaps you will be good enough to state again, what you consider will be the interest that will be obtained in the property by the system of enfranchisement. I think you stated that it was something under 50 per cent.?—On an average.

5090. So that there would be an increase in some cases of not more than 14 per cent.?—The interest in some cases would not exceed 14 per cent., because in those cases in which the outstanding term is held upon lives it happens sometimes that the interest of the Church in the estate is reduced to the smallest possible amount. You may have an outstanding term of 40, 50 or 60 years. In those cases your interest is small; and if you gain the improvement that you speak of, of 14 per cent., it, in truth, is cent. per cent. on the income on the past system, though it is only the proportion that you name with reference to the whole estate.

5091. In those cases of the chapters and their property where the Commissioners have a very large interest in the property, have you ever estimated the amount of interest that the Commissioners will ultimately possess in that property, both from its increased value on enfranchisement, and from their present interest in the suspended canonries?—I have not estimated it accurately, but I could give you an answer as to the Chapter of Durham; it will be very considerable indeed. Under the existing Acts I think the ultimate interest of the chapter is considerably under half the receipts, and half of the present receipts would, of course, be a still smaller proportion when you have the advantage of enfranchisement. The only thing that rather confuses it in the particular case is, that a great part of the present income of the Chapter of Durham comes from coals, and in that the chapter have all that can be obtained. The existing system of that chapter with regard to coals is as advantageous as it can be.

5092. That is with reference to the time being; but ultimately all that will be exhausted, will it not?—Yes; but what I mean is, that the whole income that is to be obtained from coals comes to the chapter; there is not any person between the coals and the chapter. Nobody else has any beneficial interest with reference to the chapter coals.

5093. *Chairman.*] They get as much as a private proprietor?—Yes.

5094. Lord *Robert Grosvenor.*] You may call it a rackrent, in fact?—Yes.

5095. Mr. *Ingham.*] In point of fact, they get higher terms than any private owner in the country?—Yes.

5096. Marquis of *Blandford.*] As the Commissioners have a large interest in the Chapter of Durham, so they have a proportionate interest, have they not, in all chapters where there is a large amount of property, and that interest will be materially increased by the process of enfranchisement?—Yes.

5097. Especially with regard to landed estates?—Peculiarly so.

5098. Do you conceive that with respect to those chapters where the Commissioners possess a large amount of property, and where they consequently possess a very large interest, those inducements which you spoke of just now as being likely to operate with them so as to lead them to transfer their estates will equally be found to exist?—I think that the commutations of the chapters have up to this time gone on as fast as the Ecclesiastical Commissioners have been able to handle them. I hear that there are other offers of the same kind, and I have no doubt at all that in the interval between this time and the Sessions of 1858 and 1859, you will have several other transactions, and it will turn on how they are going on, whether it is desirable to transfer such estates as your Lordship speaks of.

5099. Mr. *Mowbray.*] You advocate your present proposal as tending to hasten the extinction of the present system of leases?—Yes.

5100. How do you reconcile your wish to hasten an extinction of the present system with the answers which you gave to questions Nos. 1087, 1088, and 1090?—I think that the answer which I have given exactly carries out, and is consistent

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sistent with the answers to questions Nos. 1087 and 1088; the two answers are, I think, the sequents of the same idea and principle.

5101. You stated that if the transactions were suffered to proceed, you would carry out the object of enfranchisement without the application of compulsory powers?—I think so still.

5102. Did I not understand you to say just now, that the present proposition would have a compulsory effect upon the lessees?—After an interval, if it should be considered expedient.

5103. At present a lessee has the option of three courses: he may either renew on a fine, or enfranchise, or surrender. Would not your system put an end to all renewals?—No, that is not so. In cases under the Ecclesiastical Commission, he has not any option at all of having an extension of term absolutely; he is able to send in an application, asking that he may enfranchise or sell, and he has an answer, either that he may enfranchise or sell; he has no option of having an extended term.

5104. Do I understand you to say that the Ecclesiastical Commissioners in all cases decline to renew?—I think, in fact I am certain, that from the first institution of the Ecclesiastical Office to this time, there has not been a case of a leasehold term being renewed, and that is an interval of 16 years.

5105. Do you know whether there has ever been a case in which the lessee has desired to renew?—I do not think there has ever been an instance of that kind, except, perhaps, in one or two cases of peculiar hardship; of course I except all cases of peculiar hardship from my answer, as I do from all answers.

5106. Assuming that the lessee desired to renew, would the Ecclesiastical Commissioners refuse to allow it?—Certainly, under ordinary circumstances.

5107. On what ground?—That was acquiesced in eight or nine years ago by the House of Commons after debate.

5108. As regards Ecclesiastical Corporations, they continue to renew, do they not?—As regards some of them; a few of the sees, and a considerable proportion of the chapters.

5109. So that as regards lessees under Ecclesiastical Corporations, you deprive them of one option which they have at present?—Yes, if an Act should pass upon the subject.

5110. Mr. *Evelyn Denison.*] I do not understand how you reconcile two of the answers you have given to day; you say you are unfavourable to compulsion?—I am so.

5111. But you propose a plan which, although it does not instantly institute a compulsory process, still hangs it up over people's heads as a process to come into operation at no very distant interval; and therefore persons will be, in fact, under compulsion immediately this proposal has effect given to it?—Only in a rather stronger degree; it has been hanging over them for the last eight or ten years, because if a chapter estate is transferred, as several chapter estates have been transferred, or if the estates of sees come into the hands of the Ecclesiastical Office, the practice of non-renewal is entirely acquiesced in.

5112. I do not understand your two answers. You say you are unfavourable to the institution of any compulsion, and then you propose a plan which, by your own admission, does increase the compulsory process?—It hardly increases the compulsory process in the proportion of the concession which is obtained under it.

5113. That may be a question of degree. If this plan were carried into effect, it would, within a given period, bring the whole landed property of the Church to pass through the process either of enfranchisement or of sale to the Ecclesiastical Commissioners?—Yes.

5114. And therefore, very large masses of land would come into the hands of the Commissioners?—Perhaps so.

5115. Is it part of the system you contemplate that these large masses of land should be managed in the same way as the property that you have already is managed by a central Board in London?—The estates that they have, as I mentioned in my previous evidence, would, I apprehend, most of them, perhaps all, go into the hands of the chapters and sees; and it will be some time before you would have any surplus estates which you would propose to keep permanently, if at all, in the hands of the Ecclesiastical Commissioners.

5116. You do not mean to say that, if this system were to have the extension that you propose given to it, the estates given to bishops and the estates given to chapters

chapters would absorb the whole mass of the landed property that would come to the Commissioners?—Yes; at least I do not see any reason why it should not; it all depends on the proportion of sales and purchases, and if you go on, on the scale on which you have gone on heretofore, I do not apprehend you will have any permanent surplus of land.

5117. It does not appear to me that that makes much difference, because if you enfranchise and sell land to the present leaseholder, you invest the money which he pays in land again, do you not?—You must go on doing so until you have done it to an extent sufficient to provide estates for the sees and chapters, but the instant you have enough for that purpose, it is open to you to stop.

5118. This is a large scheme, and must be regarded in all its parts. I ask you whether it is in your contemplation of the scheme that after you have reached that point, you should either go on by collecting large masses of land, to be managed by a central Board, or, if it should appear desirable to stop, what would you propose to do with the money?—As far as my opinion goes, I should consider it desirable to stop soon after you had provided adequate estates for the sees and the chapters; I think you should hold something as a reserve. As to the appropriation of the surplus, that can easily be managed. Whether it is in acres or in Consols the income of it would have to go to the different cures.

5119. I have no doubt there would be plenty of calls upon the income; but what I ask is, from what sources the income is to arise? If the income is to arise from large masses of land which are managed by the Commission, then the question arises upon the management of that land; but if all the land which is passed to the Commissioners is again handed over either to Boards or chapters, the question of the management of the land does not arise; and then I ask you, what you mean to do with the money?—I should answer that question as I answered a question that was put to me some time ago. You must have a very considerable interval before any such circumstance can happen; and whenever it happens, if I am asked, I shall be prepared to give my opinion; in the interval I wholly concur, as far as I have an individual opinion at all, in the inexpediency of holding any considerable surplus estates.

5120. But the answer which you would be prepared to give in 1859, if it had been given to me, would have appeared very unsatisfactory, because anybody who is bringing forward a plan which extends over a certain number of years, should, I think, be prepared to give an answer to the different portions of that plan when his opinion is asked about it; and therefore I now ask you, and I think I have a right to ask, what is the course which you yourself in proposing this plan would recommend with regard to the appropriation of this money?—I should answer that question by saying that in a great number of augmentations, perhaps the greater number, and possibly all, I see no occasion for there being any income given at all. I should simply transfer to the cure intended to be augmented a sum equal to the income you propose it should have. If you propose to give an augmentation of 60 *l.* a year, you may as easily transfer 2,000 *l.* to the individual cure as give it the income of 60 acres of land.

5121. Sir *George Grey.*] Is it not probable that a considerable proportion of what is termed lands would consist of tithe rent-charges?—I should rather advocate the estates of the sees and the chapters being, if not wholly, at any rate as to a considerable proportion, in acres.

5122. Mr. *Walpole.*] What has been the present system of augmentation. Have you given a capital sum on a particular living, or has the incumbent of that living been authorised to draw his stipend?—The Ecclesiastical Commission have not had assets from which they could give capital.

5123. *Chairman.*] What has been the case with regard to incumbents under Sir Robert Peel's Act, where they have an income of 150 *l.* a year?—Their income arises out of the whole income and assets of the Ecclesiastical Office of all sorts and kinds.

5124. Sir *James Graham.*] If from the sale or enfranchisement of land you shall have a surplus of capital, is there not a debt due to Queen Anne's Bounty, out of which the revenues of the districts are provided?—Yes, there is.

5125. Then if you had 600,000 *l.* of surplus after the sales to which you have referred, you would have a call upon the Commission to the extent of 600,000 *l.*?—Yes.

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5126. Lord *Robert Grosvenor.*] Did you hear Mr. Baxter's evidence?—Yes.

5127. If I am right in my recollection of it, he proposed that in all endowments given out of this surplus fund for the cure of souls, land should be purchased, and that from the rent of that land the stipends should be made up. Do you coincide in that opinion?—I confess that my own personal opinion would be, that it is rather inexpedient for ordinary incumbents to hold estates, unless they are of some reasonable size. I think that unless the estate yields an income of 200 *l.* a year, or something of that sort, holding 50, 60, or 70 acres is inexpedient.

5128. *Chairman.*] Why?—You have to have a farmhouse on it, and working capital is requisite, and I think it is inexpedient to hold for any permanent object any estate of which the income is not of such an amount as to secure an occupier of a tolerably high kind.

5129. Lord *Robert Grosvenor.*] Your opinion is that the income should not be under 200 *l.* a year?—Or something like that amount.

5130. But do you think that upon the whole, taking all the circumstances into consideration, it should be in land rather than in money?—I think so.

5131. And do you think that that land, with the facilities that the Commissioners have to purchase and exchange land, should be as near as possible to the cure of souls itself?—Yes. In any case it should be within a convenient distance of the cure of souls.

5132. Mr. *Wilkinson.*] In the case of estates which are handed over to the different corporations, would you propose that the management, as well as the estate itself, should vest in those corporations?—As to that you have had a good deal of evidence, and I think all the evidence goes to show that the subject is now under consideration, and that there has not been any determination or decision come to upon the point.

5133. Is it your opinion that the fee-simple could be vested in the see while the management remained still vested in the Commissioners?—I think that in the case of chapters the control should certainly be in the chapters. In the case of sees there is more uncertainty; but, as I have before said, it is a subject which is under consideration, and therefore I hesitate to give any decided opinion upon the point.

5134. Mr. *Evelyn Denison.*] Is there any resolution of the Ecclesiastical Commission which permits capital arising from land to be permanently invested in any other security but land; or where you have received money for land, are you not obliged to reinvest it in land?—Yes, but only in consequence of the 600,000 *l.*, which is owing to Queen Anne's Bounty. If that were paid off, it would be perfectly open to them to make any kind of appropriation of it.

5135. Would it be open to the Ecclesiastical Commission to invest the money arising from land permanently in the Funds, for instance?—Certainly, after the 600,000 *l.*, owing to Queen Anne's Bounty, is paid off. There is no doubt about that.

5136. You have given it, I think, as your opinion, that it would not be desirable that masses of land should be held as estates by the Ecclesiastical Commission, to be managed by a central Board, merely for the purpose of obtaining an income from those lands, with a view to distribute that income among different persons?—Certainly; I think that any such course would be decidedly inexpedient.

5137. Mr. *Wilkinson.*] Except with reference to Queen Anne's Bounty, you think it would be quite competent to the Commissioners to invest all money that might be derived from the enfranchisement of estates in one large sum in Government securities, applying the interest of those securities to the payment of the different bishops' incomes?—Yes; or to take any other course that seems expedient to them.

5138. Sir *James Graham.*] As, instead of giving augmentations by way of annuity, giving capital equivalent to it?—Yes.

5139. Mr. *Walpole.*] But since there are other provisions which authorise, if they do not direct them, to transfer estates to the chapelries and bishops, the permanent investment would probably be otherwise than in the Funds. When you have 600,000 *l.*, you are required, are you not, to invest it in land, so as to give security for the money owing to Queen Anne's Bounty?—No, that is not exactly so. All sums received for sales are to be invested in Consols in the interim,

interim, and out again in acres, until the sum of 600,000 *l.* is discharged; otherwise the security for the 600,000 *l.* would be decreased.

5140. There will be a permanent security for that 600,000 *l.* invested in land; is not that so?—You hand over the 600,000 *l.* as soon as it suits your convenience. You only hold it at this time *ad interim* because it is convenient to have it.

5141. Mr. *Mowbray.*] At present all the estates are mortgaged for 600,000 *l.*?—Yes.

5142. And the Act of 1845 (Sir Robert Peel's Act) provides for the extinction of the debt within a certain time, does it not?—Yes.

5143. Therefore, until that debt is extinguished, all the property of the Ecclesiastical Commissioners is mortgaged to Queen Anne's Bounty, and is liable to that debt of 600,000 *l.*?—Exactly so.

5144. Consequently, until that debt is extinguished, it will not be in the power of the Ecclesiastical Commissioners to alienate any particular estate, and appropriate it to the augmentation of a living?—not so.

5145. And so long as that debt remains unextinguished, the incumbents of the livings augmented will continue to draw as heretofore upon the treasurer of the Ecclesiastical Commission, for their annual salaries?—The two things have not anything to do with each other.

5146. Sir *George Grey.*] In point of fact do the whole of the estates which are required by Sir Robert Peel's Act to be purchased by the Commissioners, out of money coming to their hands, form the security for the repayment of the 600,000 *l.*, owing to Queen Anne's Bounty, so as to preclude the Commissioners from transferring an estate, for instance, to a bishop or a chapter?—No.

5147. *Chairman.*] Supposing the 600,000 *l.* to be re-paid, would there not be a sum of 18,000 *l.* a-year set free for the purposes of the commission?—Yes.

5148. Might not that 18,000 *l.* a-year be disposed of in such a way as the Commissioners think fit for the augmentation of small livings, or for the purpose of making new parishes in populous districts?—Yes.

5149. Sir *James Graham.*] Assuming that all the chapters and all the bishops shall have adequate landed estates assigned to them, you do not anticipate that the period of 1880 will have arrived?—I should think it might be done before that time. I think you will find it carried out within that period; about 1874, I think, will do it.

5150. If it shall occupy the whole of the intervening time till 1880, at the arrival of that time it will be open to Parliament to consider and to legislate with respect to the future appropriation?—Certainly.

5151. Always assuming that the debt to Queen Anne's Bounty of 600,000 *l.* is extinguished?—Yes.

5152. And do you anticipate that all the chapters and all the sees will be provided with adequate landed estates, and that the debt owing to Queen Anne's Bounty will also be liquidated before the year 1880?—Yes.

5153. If so, will it not be open to Parliament, when that period shall have arrived, to re-consider the arrangement and the appropriation also?—Most certainly.

5154. And would you not think it expedient that, from time to time, even in the interval, there should be a Parliamentary revision of the progress of these transactions?—Certainly.

5155. And at any time, on such revision, it will be open to Parliament, according to the view it may then take, to legislate with respect to the appropriation?—Certainly; and Parliament will have the opportunity, in the annual accounts, of seeing each year how the case stands.

5156. Would it appear to you to be more expedient, with the prospect of such periodical revision, to deal with the appropriation from time to time rather than beforehand to fix it in any way now?—Yes; I think it would be a great deal more expedient to deal with it at a future time.

5157. Mr. *Ingham.*] The extension of the term to 1880 is in conformity, is it not, with what was suggested by you before, with the view of giving a term of 24 years to every one?—Yes; except that in that case it would have ended in 1775, whereas now it ends in 1880.

5158. Would it not be a proper thing to make it 24 years from the close of this Session rather than from the 1st of January, which would only give 23 years and a half?—Perhaps, having regard to the circumstance that the 24 years would

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come at the end of the Session, it would be more advantageous to have it on the 1st of August than on the 1st of January, because you would offer the opportunity of the Session of 1859 for the passing of any Act, if no Act had been carried through previously.

5159. You mean 1879, do you not?—No; if the term ends in August you do not interfere with the existing Act until the 1st of August 1859, and consequently you have the whole of that Session for anything to be settled that otherwise must be settled in the year 1858.

5160. If that principle were recognised by Act of Parliament, and a lessee were to propose to the Ecclesiastical Commissioners now to enfranchise or sell any estates absolutely within their own management, he would be entitled to have his term computed at 24 years, according to your view, from the end of the Session, would he not?—Yes, so far as regards the Ecclesiastical Commissioners themselves.

5161. You have stated that you have thought it might take until 1876 before the whole of the surrenders and transfers, requisite to discharge the leasehold tenures, had been got through; would not that operate severely on those who wished to get their enfranchisements at the end of the term, and if so, how would you provide for that?—I think I may say that there has been no case of an application to the Ecclesiastical Commission, within the last five years, unless it has been a case of a peculiar character that has not been settled as to price within half a year.

5162. Within how short a period of time do you think lessees anxious to avail themselves of it could have their contracts completed?—If you refer to the estates that are in the Ecclesiastical Commission there is no doubt at all that they may have them done within an exceedingly short time; certainly within the interval between this time and the end of August 1859; and I see no reason why the same thing could not be done with regard to the estates of the sees and the chapters. It actually is so in several of them; and in the instance which you have of the first chapter estate transferred to us, the whole of the applications were settled, and the further estates were offered within three years of the transfer, and I apprehend that, if any chapter or corporation chose, it would be open to them to carry out all their transactions in three, four, or five years.

5163. If the chapters in three years' time should find any difficulty in treating with the lessees, would there be any impediment to their transferring the business to the Church Estate Commissioners, and in the Church Estate Commissioners by means of an increased staff getting the whole of the bargains completed within the space of four years, making seven years from the present time?—The commutations of the chapters have gone on as fast as could be expected. They are going on annually at an increasing ratio, and I have no doubt that at the end of three years from this time you will see that they have gone on certainly as fast as they did in the five preceding years.

5164. How is it that you consider so long a period as from this time to 1875 must elapse before the whole of the transactions of surrender and purchase can be got through?—I think I have said that if they go on at the same rate as they have gone on they would end at that time, and I see no reason to doubt that they will go on certainly as fast as they have done hitherto. I do not think that I said they were certain to take all that time; I rather said that I considered it certain that they would be done by that time.

5165. If they did not go on much more speedily than that, would it not put a lessee who was very anxious himself either to enfranchise or sell an estate to some hardship, by finding so many of his co-lessees in possession of the property with a permanent tenure, he not being able to have his treaty entertained at all?—There might be a case of that kind, but unless you introduce a compulsory power, which you hardly propose to do, he must take his chance.

5166. Mr. *Mowbray.*] When the estate of a bishop is assigned over to the Ecclesiastical Commissioners, does it form part of the mortgage to Queen Anne's Bounty?—I cannot answer that question.

5167. Do you know whether there is any prospect of the debt of 600,000*l.* due to Queen Anne's Bounty being ever paid off?—It is simply held now as a matter of convenience. If the Commissioners chose to pay it off they could; that is obvious, because you will see that the annual income is equal practically to an

income

income including the 18,000*l.* which is paid as the interest of the 600,000*l.*, and therefore it will be only having 18,000*l.* income sold to raise 600,000*l.*

5168. Out of what sum could the Ecclesiastical Commissioners pay off the debt of 600,000*l.*?—By the sale of estates producing annually 18,000*l.* Their only object in holding them is to assist in providing permanent estates for the sees and chapters.

5169. But until that debt of 600,000*l.* is paid off, of which there seems to be no immediate prospect, and which I understand you to say it is not desirable should be paid off, all the land at present under the management of the Ecclesiastical Commissioners, and all that may fall under their management by means of these sales and enfranchisements, must still remain under their management?—No, certainly not.

5170. Mr. *Evelyn Denison.*] You propose a change with regard to leases for years; do you propose any change at all, or do you seek in any way to interfere, with regard to leases for lives?—No; only so far as they are referred to in those cases in which the outstanding term is not equal to the term of 21 yeas.

5171. Equally, I presume, you would put some limit to the possibility of renewing for lives?—Cases of that kind are so few, and are decreasing so fast, that I should not advise anything to be done on the subject.

5172. Mr. *Ingham.*] Might it not be a fair consideration with regard to life tenants, that whenever the existing interest in their life leases should have been reduced below 21 years, if they wished either to sell the term or to buy the reversion, they should have the benefit of the seven years which are given upon an average to all 21-year leaseholders?—No; it is not whether it will be so at a future time; it is whether it is so at this time or not.

5173. I know very well that that is the principle of the resolution that has been read; but I ask you whether it would not be reasonable that, whenever leases come to be reduced below 21 years, if the parties are inclined to sell the remaining term, or to buy the reversion, they should not have an extension of 21 years at that period, such as was contemplated to be given them at the time the resolution was passed to which reference has been made?—No. I think that if the term in such cases extends in every instance to 1880, as is proposed, that amply meets the case.

5174. Suppose a party has had a lease recently granted to him for some young lives, it would probably extend much beyond 1880, and according to the plan suggested he would have, at the expiration of the period, no consideration at all for the benefit which he might have derived under the old system?—I think that his interest, as I stated in my evidence before, is under the existing system estimated too highly; and if it is to be altered at all, it would have to be altered in the other direction.

5175. How is it estimated too highly?—The scale upon which his interests are estimated now, gives to the holders of such terms an interest which I certainly think is at least equal to all they are entitled to. We have had cases in which the terms which we have been obliged to offer, under these recommendations, have exceeded by 30 per cent., the terms on which the individual has either purchased or renewed within a few years. Where 6,000*l.* has been the sum paid 8,000*l.* is sometimes obliged to be given.

5176. Mr. *Evelyn Denison.*] Are not those cases very exceptional cases indeed?—They include cases given in evidence in the Upper House, and it is from having the evidence of the sums which those persons gave, that one is able to see how they have gained by the change of system.

5177. Are they not a very few and exceptional cases?—In so high a degree they are few, but in every case I am sure you will find that it is an ample compensation as it stands.

5178. Mr. *Wilkinson.*] The spirit of the recommendation of the House of Lords' Committee was, was it not, that in computing the remuneration to be given, every party should have a term of seven years added to the term then existing?—Not every person; the foundation of the principle was, that a sudden change operated hardly, and consequently that every person ought to have such an extension as would secure to him the whole term certain of 21 years.

5179. Should you think that the term proposed by Mr. Walpole would not act unequally on parties, having reference to the termination of the term?—No, certainly not.

5180. In one case, if a man had 20 years of his lease to run you would be

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be giving him four years, whereas if he had only 14 years, you would give him 10 years?—That is so.

5181. And do you think that that is an equal distribution?—Yes; the object being to obviate the hardship arising from a sudden change.

5182. Mr. *Mowbray.*] I wish to know whether you have made any calculation as to the number of chapters likely to be on certain incomes in 1859?—If you cast your eye over the existing state of the chapters, and observe the ages of the individuals who are in receipt of incomes under the old system, you will see that they must be, of necessity, confined to a few.

5183. I will take Durham. There are two canons at present, receiving fixed incomes, and there are six others who are not receiving fixed incomes; what do you consider would be the time when it would come into operation with regard to that chapter?—The proportion is, perhaps, two to six, taking the canons only, If I am not much mistaken, the receipt of the Ecclesiastical Commission is not a great deal under half the net receipts.

5184. *Chairman.*] The House of Lords did not lay down any rule upon the subject of house property. Do you not think it desirable that some system should be adopted by the Ecclesiastical Commissioners with regard to lessees and sub-lessees of house property?—No, I think that you will find just the same obstacles as were found in the Upper House. It was simply the extreme difficulty of carrying out the principle which was laid down with regard to farms and tithe rentcharges to houses that induced the Upper House to abstain from having houses included.

5185. Supposing there is that difficulty with respect to the enfranchisement of house property, might it not be a good system to bring that property under leases for a considerable term of years, say for 60 years, deriving an annual income in the nature of ground rents from such property?—It might be desirable to do so, but the great inconvenience of such charges is, that you either have them in the aggregate, or on each house. If you have them in the aggregate they are constantly changing, and there is an injury to the whole estate, because every house is subject to the whole sum; and if you have them on each individual house, so as to receive 2*l.* or 3*l.* out of each house, that is an undesirable sort of income; but at the same time it would all turn on the actual terms on which the rentcharge is to be fixed.

5186. Do you suppose that those who are possessed of house property consider that an undesirable kind of income?—It all turns on the sum put upon each house, and the interest that you take. Assuming a long outstanding term to be extended to 60 years, there would be a small sum for each house.

5187. Are you acquainted with the management of the property of the Crown, which consists, to a considerable extent, of houses?—I have not any intimacy with it, but I should suppose that the ground rents approached 16 or 18 per cent. of the gross income. In the case supposed, it would be a very much smaller proportion, a tenth or less; and if the houses that your Lordship is referring to are houses of an inferior character, you would have, as I said before, a charge of not more than 2*l.* or 3*l.* at the outside on each house; whereas, on the Crown Estate, I should suppose that the charge upon each house would range at from 25*l.* a year upwards.

5188. Do you know the term for which leases by the Crown in the case of houses are generally granted?—Either for 80 years or a longer term, I think; but then, over or above the income arising out of them, the Crown has the reversion afterwards, and it has an interest in keeping its eye upon them, independent of the ample income received for ground-rent.

5189. You are aware, are you not, that there was an arrangement of the property of the Crown made by Act of Parliament at the close of the last century?—Yes, it was a most excellent arrangement; all the details are given in the Report of the House of Commons in 1838-39.

5190. According to that arrangement the leases are granted, and the income is derived from the houses according to the improved value of the property?—Yes; they made an estimate of the outstanding terms and, I think, charged them as high as they were able without any consideration at all, or, if any, it was a consideration of the smallest possible kind.

5191. Would it not be possible, do you think, to make a somewhat similar arrangement, at the same time granting a much larger consideration for the interest of the lessees?—Yes; it would be possible to do so; but so far as this arrangement

ment is to be considered as a precedent, it would, of course, act very much in favour of the Church. *E. J. Smith*

5192. Would not an arrangement of that kind put an end to all difficulty with respect to lessees and sub-lessees?—No; it would be just the same. The interests of those two are adverse to each other. I do not think it would make any difference in that respect. Ordinarily there is a single person under the Church who has added to or improved an estate, and therefore, in consideration of his having done so, he has certain terms conceded to him; but here there are two persons concerned. There is a holder under the Church who says, "I am entitled to consideration, because I have got the estate;" and there are certain other persons who have sunk, according to the evidence, 300,000 *l.* upon the estate, and who say, "In consideration of that 300,000 *l.* the consideration ought to come to us." That is what I understand to be the peculiarity of the case to which your Lordship is evidently referring. 17 June 1

5193. Does not the present system of renewals and fines obviate any great differences and disputes between the lessees and sub-lessees?—In so far as the terms on which the estate is held under the Church are advantageous, it gives room for those two interests; but exactly in the degree in which the Church calls for her interests to be estimated with exactness, those two persons are unable to sit in a single seat.

5194. Could you suggest any terms of enfranchisement that would be equitable at once to the lessees and to the sub-lessees?—The only objections that I think the Committee have had before them have been by persons who have not had any offers of terms; they have in every case been made under the apprehension of something which was to happen in future. I do not think you have had any evidence here as to persons who have had terms offered to them which were so high that they were not able to accept them.

5195. Supposing the lessees to enfranchise on the terms that are asked, would they not immediately oblige the sub-lessees to pay them a rackrent?—That is a subject on which there appears to be a considerable difference of opinion in the evidence which you have had before you. I certainly think (and I thought so when I was first asked about it in the spring of 1855), that until the question has been before the Ecclesiastical or the Church Estates Commissioners, it is hardly necessary for the House to interfere. If the terms are unacceptable, then there would be a case for coming before you, but hardly until then.

5196. You would think it advisable, then, to leave the matter to the Ecclesiastical Commissioners to deal with as they best may?—I think so; and then, if their officers are unable to do it, you might determine whether you ought to interfere. You have annually before you an account of all the transactions, and you could interfere at any instant.

5197. Supposing a bishop to decline the terms of enfranchisement (as the Bishop of Winchester appears to have done) on account of the interests of the sub-lessees, would not that be productive of serious inconvenience?—No; because (with the exception of some who are out of health at this time) this is almost the only instance of a see upon the old system, and hence it is evident that this is an exceptional case.

5198. What would have been the case with regard to the Archbishop of Canterbury if such an incident had occurred in that see?—The opinion of the Ecclesiastical Commissioners on the subject would have been required, and if terms had been asked which were unsatisfactory, you would then have something to go upon; but the inconvenience and peculiarity that I have seen throughout in this case is, that you have two sets of persons desiring to occupy the same seat; and whether there ought or ought not to be any concession on behalf of the Church in consideration of it, is a subject which would only come to the surface when the terms are asked, and it ought not to come before.

5199. Mr. *Evelyn Denison.*] If you were to advise the Ecclesiastical Commissioners as to the arrangements to be made, do you adhere to the opinion which you have expressed, that 3 per cent. is the basis upon which calculations ought to be made, or that 3 per cent. is a fair representation of the value of money?—As interest? Yes, most decidedly; that is assumed in all transactions of any kind and to any extent, which have regard to the future. It is assumed at all insurance offices, and if there were any uncertainty as to the principle, I should humbly suggest that there is no person in England more competent to give an

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opinion on the question, both as to principle and details, than Mr. Lefevre; if I am supposed to be in error he can at once correct me.

5200. To support your view that 3 per cent. is a fair representation of interest, ought not the 3 per cents. to be at 100 every year, or on an average of years?—They ought to be within a reasonable distance of it; the question is, not as to the average at which they have been antecedently, but as to their probable average from this day for the next 20 or 30 years.

5201. Who is to say what the 3 per cents. will be at for the next 20 years, without having reference to what they have been at during the last 20 years?—You must have regard certainly to the last 20 years, but also to all other circumstances, in order to see what is a reasonable expectation for the future.

5202. Do you mean to say that the state of the funds for the last 20 years would indicate that 3 per cent. is a fair representation of the interest of money?—I should say, certainly; and in confirmation of that assertion I would say that I apprehend there is not any insurance office, or hardly a concern of any kind which has regard to the future, for 25 years or upwards, that goes upon the assumption of accumulating money at more than 3 per cent.

5203. Mr. *Wilkinson.*] Does it not consist with your knowledge, that the rate of interest is, generally speaking, higher than that which is obtained in the funds?—Interest and hazard, but not interest pure and simple.

5204. Mr. *Mowbray.*] Do not insurance offices calculate upon a lower rate of interest than that which may be actually realised?—If 3 per cent. is a prudent scale for an insurance office, surely a prudent scale for the Ecclesiastical Commission cannot be over 3 per cent. You could surely hardly advocate going on a higher scale.

5205. Mr. *Ingham.*] Just look at the resolution which was shown to you at the beginning of your examination; I thought you said it did not include houses?—I include houses in the extension of terms, upon the principle that the extension is to obviate a sudden change. Houses come within the principle as much as anything else.

5206. You mentioned before how you would carry out your principle in the case of a lessee who desired to enfranchise; you would give him 24 years from August?—And I charge him for the extra years on the scale on which he has been accustomed to renew.

5207. You add that to what you would otherwise pay for the purchase in perpetuity?—Yes.

5208. How do you calculate the price he is to pay for having it in perpetuity?—If it were a house worth 100*l.* per annum, and in fee-simple estimated at 1,600 *l.* precisely because it is a house, it is less a house that comes to us in 1880 than a money value of 1,600*l.*. If it were simply the latter it would be discounted at the ordinary rate of interest, something more than three per cent.; but, instead of discounting at that rate, we discount at a higher rate of four or four and a half per cent., which is the same thing as if you assume that the 1,600*l.* would only sell at the end of the term for something over 1,200*l.*

5209. In mentioning the 1,600*l.* you take the six per cent. table, do you not?—It has nothing to do with the six per cent. tables at all; it is assuming that the house is saleable for 1,600 *l.* The circumstance of your assessing it at 1,600*l.*, implies that a house worth 100 *l.* a year is equivalent to a sum of 1,600*l.* in money,

5210. How do you get at 1,600*l.* as the sum at which the house would sell at that distant time?—As you would estimate the value of any other estate; 1,600*l.*, is the sum it will sell for now, and in assessing it at 1,600*l.*, in substitution of 2,000*l.*, or 2,500*l.*, or 2,800*l.*, if it were land, you take into account that the house is subject to standing empty, which is a great charge on house property. You assess it at 1,600*l.* because the chance of its standing empty is such that, after all, your 100*l.* per annum during such time as it is occupied will only bring you in the ordinary interest on 1,600*l.*

5211. Why should you charge it, if it is land, 2,800 *l.*, and if it is house property, 1,600 *l.*, assuming the annual value in each case to be the same?—I assume the annual value of the house and the landed estate to be 100*l.* a year each.

5212. Upon what table do you calculate the annual value so as to get at the sum of 1,600*l.* Is it not the six per cent. table?—It is a scale which corresponds with that, but it is a certain number of years' purchase.

5213. Suppose I buy a piece of land for 400 *l.* and build a house upon it for 1,600 *l.*,

1,600 *l.*, what is the value of it when the house is built?—I will assume it to be 2,000 *l.* *E. J. Smith,*

5214. A person who wished to invest his money like a prudent man would, if he built a house, calculate what rent he would get for it?—He would get, we will say, 150 *l.* a year. 17 June 18

5215. At 16 years' purchase, how much would that give him?—£. 2,400, I think.

5216. Then the present value of his house would be greater than the sum it would cost him. I want to know how you get at the annual value which you calculate at 16 years' purchase?—The annual value of a house is the sum that an occupier will give you for it.

5217. I understood you to say that its annual value would be 150 *l.*?—You may make it anything you please; it will only sell for 2,000 *l.*

5218. Suppose, instead of getting 150 *l.* a year he only got 120 *l.*, and that he sold it at 16 years' purchase, that would only give him 2,000 *l.*?—That is so.

5219. You say he is to receive at the end of 24 years 2,000 *l.*, which is exactly what the house has cost him?—I have before said that discounting at 4 or 4½ per cent. is the same thing as if you reduced the 1,600 *l.* to 1,200 *l.*; that is taking off 25 per cent.

5220. Supposing it was not house property, but a Government endowment, and that you were certain to receive the money in 24 years?—If you were to adopt the principle for which you are now contending, of the division of the two interests on the 6 per cent. tables, then, in the case of South Shields, the income of the Church from the sale would be just one-half of the income under the existing system.

5221. The Church will get so much less?—You are here, as I understand it, considering an Act for the improvement of Church estates; and if you carried out the principle that you are advocating, the effect would be that you would reduce the income of the Church at South Shields just one-half.

5222. I was not speaking of South Shields at all, I only wanted to comprehend your illustration?—But I refer to South Shields to illustrate the principle for which you contend.

5223. What I want to know from you is this; if you had at the end of 24 years a certain sum to receive, at what rate of discount would you get the present value of it?—Any answer that I could give to that question would only give rise to a mistake in the mind of any person who heard it, unless I entered into a full explanation. Here you are asking as to the scale on which these two interests ought to be estimated, and you are assuming that because a certain sum payable after a certain time would only be at, I will suppose for the sake of argument, 6 per cent., a house would therefore be saleable at 6 per cent; but you are keeping out of view that the outstanding interest in a leasehold house is only saleable at 10 per cent., or a much higher rate of interest.

5224. Do you consider that in discounting at four and a half per cent. you exceed the ordinary rate of discount so much as to compensate the purchaser of the reversion for the deteriorated condition in which the house would be at the expiration of that term?—Yes, certainly.

5225. I understood you to say that the 1,600 *l.* represented the actual value of the house?—It represents its value now.

5226. Practically, you take off 25 per cent.?—Yes.

5227. Mr. *Evelyn Denison.*] What difference would be made in the calculations you have just given, if it were to be assumed that your basis of 3 per cent. was a faulty basis, and ought to be raised to 3½ per cent.; how would that influence the calculation that you have just been giving us?—It would influence it to the extent of one-half per cent.

5228. How would that operate in the case put by Mr. Ingham of 1,600 *l.*?—It would take off about 10 per cent., and make it 1,080 *l.* instead of 1,200 *l.*, or something of that sort. You would assume that the house had depreciated from 1,600 *l.* down to 1,080 *l.*, instead of asuming that it had depreciated down to 1,200 *l.*; but in the case supposed by Mr. Ingham, he began by assuming that the site was 400 *l.*; is there to be any depreciation on that 400 *l.*? If there is not, the depreciation of the 400 *l.* between the 1,600 *l.* and the 1,200 *l.* is not 400 *l.* out of 1,600 *l.*, but is subject to having the site taken off first; if you take 400 *l.* from the 1,600 *l.*, there remains 1,200 *l.* for the house, and out of that our system assumes that it is depreciated to the extent of 400 *l.*, making 800 *l.*, which surely must be adequate.

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5229. What would it be at 3½ per cent.?—You may call it 700 *l.* in that point of view; it would be about 10 per cent. as I said before, because there is 400 *l.* for the site out of it.

5230. *Chairman.*] Then you would add the 400 *l.* to the 700 *l.*, making it 1,100 *l.* instead of 1,200 *l.*?—Yes.

5231. Sir *James Graham.*] Do you know the value of the house property belonging to the Church?—Yes.

5232. What is the estimated value of the fee-simple of it?—I dare say that the evidence you have had here upon the subject was correct. It has been estimated, I think, at either five or six millions.

5233. Then the loss of 10 per cent. which would take place on the change of valuation that you suggest, would be a serious matter?—Yes; as I have already said, in the case of South Shields, the income of the Church, if the system is altered, as desired, will only be half the income of the Church under the present system of leasing by way of fine.

5234. Mr. *Evelyn Denison.*] But whether the one party is to lose or the other, it is necessary, is it not, for the purpose of an equitable and just calculation, that a basis that is admitted to be correct should be taken?—Yes.

5235. And it is necessary to consider whether that basis should be 3 per cent. or any other sum?—Yes.

5236. Sir *James Graham.*] After full consideration, do you still adhere to the opinion that the basis on which the renewals now take place with respect to houses is equitable and just?—Certainly; it is one that has been acquiesced in for many years. I may mention that at South Shields, when a house becomes old and requires to be rebuilt, the chapter agrees to abstain from charging the new house for the two first renewals, of seven years each, at a higher rate than the old house was charged; they do not reduce the amount they receive, but they abstain from charging a higher sum for 14 years; and therefore the income which they have had heretofore is not only certain to be sustained, but is gradually improved.

5237. Then, unless the Legislature shall lay down a new principle of renewal, the Commissioners could not, in your opinion, depart from the just and equitable principle which is now in force, without a large sacrifice of the revenues of the Church?—No.

5238. Mr. *Ingham.*] I understand you to have said, that the ordinary ground-rent paid to lay landlords is about 16 or 18 per cent.?—That is about the usual scale.

5239. Does it appear to you that the chapters get, under the present system, more than other ground landlords get?—No; quite otherwise.

5240. The one gets 25 per cent., does he not, when the other only gets 18?—He gets 18 per cent. because there is not a house; and he gets a house also at the end of the term; the 18 per cent. corresponds to the 400 *l.* for the site. The chapter has the site, and the house also at the present moment.

5241. That is the mode in which the dean and chapter deal with persons who build fresh houses?—No; it has to do with old houses as much as with new ones, unless I am very much mistaken.

5242. But it is the fact, is it not, that so long as the dean and chapter continue to let fresh property for the purposes of building they receive a year and a half's fine, and a larger amount of ground-rent than a lay landlord would get?—Because the houses have fallen into possession. The 25 per cent. represents not the 18 per cent. ground-rent, which you obtain when you grant a piece of ground for a man to put a house on, but it represents the ground-rent and the house itself which has fallen into possession.

5243. Under that system it is a permanent income to the Church, is it not, if there be no interruption to the renewal so long as the building holds together?—And afterwards; because it is in evidence that the terms are such that people are satisfied to rebuild, upon not being charged for such rebuilt premises any additional sum until after 14 years have expired.

Martis, 24° die Junii, 1856.

MEMBERS PRESENT.

Lord John Russell.	Mr. Walpole.
Sir John Pakington.	Mr. Ingham.
Marquis of Blandford.	Mr. Evelyn Denison.
Sir James Graham.	Mr. J. A. Smith.
Mr. Wilkinson.	Mr. Mowbray.

THE RIGHT HON. LORD JOHN RUSSELL, IN THE CHAIR.

Herbert Sturmy, Esq., called in; and Examined.

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24 June 1856.

5244. *Chairman.*] DO you wish to make a statement to the Committee, with respect to some Church property, of which you are sub-lessee?—I am not a sub-lessee, but solicitor for the general body of sub-lessees of the see of Winchester, and I wish, in the first place, to put in certain resolutions which were passed at a meeting of the sub-lessees, and also to give a statement with reference to them.

5245. Will you read the resolutions?—"At a numerously attended meeting of the sub-lessees of the Winchester Park Estate, held at the Three Tuns Tavern, St. Margaret's Hill, on Monday, the 16th June 1856, William Mayhew, Esq., in the chair, the following resolutions were unanimously carried: 1. That this meeting (composed of sub-lessees holding property of the see of Winchester under the lessees, with rights of renewal co-equal with the lessees' right of renewal, on payment of fixed or other fines) are of opinion that on any enfranchisement of Church property of the see of Winchester under the 17th and 18 Vict. c. 104, the sub-lessees should not be called upon to contribute the whole amount of the money to be paid for the enfranchisement of the properties respectively held by them, but a portion thereof should be borne by the lessees, on account of the benefit secured to them from the certainty of their future tenure and otherwise, and that on payment by them of such modified amount towards the enfranchisement, the sub-lessees should be entitled to call for from the lessees a deed of grant in perpetuity of such properties. 2. That on the enfranchisement by the lessees of any property held by the sub-lessees having rights of renewal, it shall be open to the sub-lessees, at their option, to enfranchise wholly such property on payment to the lessees of the value of the rent paid by them, to be calculated upon the same principle as that which shall have governed the enfranchisement between the Bishop and the lessees. 3. That the sub-lessees should on notice of their intention to enfranchise being given to the lessees, be allowed the period of two years after the date of the enfranchisement by the lessees for the enfranchisement of the property held by them, either wholly or at a rent, in accordance with the foregoing resolutions." Then the fourth resolution was, that I should attend before your Lordships' Committee and be examined.

5246. Do you wish to make any statement in corroboration of those resolutions?—Yes; I wish to state that the sub-lessees, who are a very numerous body, feel strongly in accordance with the opinion expressed by Mr. Paynter and Mr. Pott, that the mode of valuation suggested by Mr. E. J. Smith, is both erroneous, and also acts very injuriously to the lessees and the sub-lessees; the sub-lessees, who are practical men of business, think that there is only one correct mode of ascertaining the value of such property; first, to take the value of the fee, and, secondly, the value of the leasehold, and that the one subtracted from the other would give the value of the reversion; they think that the calculation should be guided by the same principle, and that the same tables should be used in the valuation of both interests, and not one per-centage for one, and another per-centage for the other.

5247. Calculating both at the same rate of interest?—Just so. Then I have to represent to your Lordship, that when house property has been spoken of, there is no such property in England as this is; there is no such quantity of house pro-

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perty holden of any see, or holden of the Church, as this particular property; more, I believe, than 30 acres are entirely covered with houses, buildings, warehouses, &c.

5248. Where is that property situated?—It is on the south side of the river, in the parish of St. Saviour's, Southwark; it was formerly the park; the Bishop of Winchester had his palace there, and the property of which I am now speaking formed the park attached to that palace; it is now called the Park Estate, and is entirely covered by houses and warehouses, and therefore you cannot possibly compare this property with any other in England, because there is no property of anything like its extent belonging to the Church.

5249. Is it all held for the same term of years?—Yes, I believe it is granted upon lives to the lessees, and the majority of the sub-lessees hold it for 61 years, determinable upon those lives, with the benefit of renewal in case the lessees renew.

5250. When was the last renewal of that property?—A portion of it is held by Mr. Paynter, and a portion is held by Messrs. Pott; the last renewal by Mr. Paynter was very few years since, when a fresh life was put in; Messrs. Pott have not had a life put in for many years.

5251. The sub-lessees have now an interest of somewhat less than 61 years?—Yes; only in case the lessees renew, the sub-lessees have also the right of renewal. Upon this tenure the sub-lessees have, in many instances, erected houses, and made great improvements in the property, and therefore the proposed valuation, as suggested by Mr. E. J. Smith, would act very prejudicially to them, because they have put the value upon the property; and, of course, according to his suggestion, in the first instance the lessee would pay a very much higher value, and the sub-lessee in the second instance.

5252. What would be the position of the sub-lessees if the lessees were to enfranchise without any reference to the interests of the sub-lessees?—Under the Act of Parliament, the sub-lessees consider themselves entitled to call for the same benefit from the lessees as the lessees take. They, the sub-lessees, would be entitled, upon a proportionate payment, to have a lease in perpetuity at the rent which they now pay: upon this subject I should observe, that they do not think it is right that the same covenants should be inserted in the under-leases to be granted to them after enfranchisement, as those inserted in the present under-leases, because the present leases are so framed as to secure the lessees; but it would not be necessary, as the sub-lessees think, to have the same stringent covenants in the new leases; the matter would then assume rather the character of a quit-rent or rentcharge to be paid thereafter.

5253. Are they satisfied with the present clauses in the Act of Parliament, or do they wish for any further securities for their benefit?—There has been some doubt expressed by Mr. Paynter in his evidence as to the right of the sub-lessees to call from the lessees to be enfranchised wholly. If there be any reason for such doubt, the sub-lessees would prefer the Act of Parliament being so amended that they should, if they thought it right, be enabled to entirely enfranchise the property held by them, paying to the lessees the value of the rent which the lessees now receive.

5254. Have the sub-lessees taken the opinion of counsel upon that point?—I have not, and I represent the committee of sub-lessees.

5255. Have you formed any opinion yourself as to the validity of that doubt?—I have myself thought that they would have that right, but I know that it has been doubted elsewhere, not only by Mr. Paynter, but by other gentlemen in the same profession as myself.

5256. Would the Commissioners be enabled to decide that matter according to the present Act of Parliament, and with their present authority, if it were brought before them as a question between the lessees and the sub-lessees, and if the Bishop of Winchester were wholly out of the question?—Not if Mr. Paynter's view be right. They could not go beyond the Act of Parliament.

5257. Mr. *Ingham.*] From what you have stated, I fancy the sub-lessees would be quite satisfied if they had a perpetual lease, subject to such covenants as should give them the power of managing the property, amply securing at the same time to the lessors the amount of rentcharge which they at present enjoy?—That is not so; they would not be satisfied with that; they would like to have an opportunity of enfranchising the property wholly if they thought right.

5258. Then how do you propose to provide for the interest which the lessees now

now have?—The sub-lessees propose to pay upon the same principle as the lessees pay to the Bishop; to redeem the rent.

5259. All that the sub-lessees are entitled to at present is a perpetual renewed interest whenever the lessees themselves renew, they enjoying the stipulated rent, and there being ample powers, I fancy, of covenant to secure it?—At present all that the sub-lessees hold is a lease for such a term, renewable at such a rent; that is all that they can require under the present circumstances.

5260. What would put them, after enfranchisement, in a relative situation would be, having a perpetual lease, with the power of doing, as to management, what the owners in fee might do, but still reserving to their lessors the payment of the rent which they at present enjoy?—The sub-lessees feel strongly that they should have the same privilege in dealing with the lessees as the lessees have in dealing with the Bishop, namely, that, upon the payment of a fixed sum, they should be enabled to redeem their property, and make it a fee, the same as the lessees would.

5261. It would be a fee, subject to this perpetual charge?—Yes; but it would be not only subject to the payment of rent, but also to covenants which would be objectionable.

5262. But if the covenants were narrowed, so as to secure to Mr. Paynter and Messrs. Pott the same income as they enjoy now, and which you are content that they should enjoy, you would be satisfied, and justice would be done to them?—It is not so desirable; if it is within the means of a person to redeem a property and make it a fee, such a course would be more than holding it at a rental.

5263. Of course you would have power, by contract with Messrs. Pott, regarding any particular interest to redeem it?—Yes.

5264. Still would not justice be done to both parties, if payment were made once for all for the right of enfranchisement upon the principle which I have mentioned, instead of paying successive fines?—Yes; I cannot say but what justice would be done, looking to the terms of the present lease; still the desire of the sub-lessees is, that they should have the power to which I have referred.

5265. Mr. *J. A. Smith.*] Do not those resolutions which you have read, recommend Parliament to break through a deliberate agreement between the lessor and the lessee?—I think not, excepting that on that particular point it may be so, under existing circumstances.

5266. Is not that the very essence of the whole?—I think not.

5267. There has been, as I understand it, a deliberate agreement made between the lessor and the lessee, under which the lessee has done certain acts, and has laid out certain sums of money to improve the property, and the lessor is secured a certain rentcharge as long as his tenure lasts; you propose that Parliament should interfere to break through that, to take the rights away from the lessor altogether, and compel him to hand the property to the lessee at such a value, as under that mode of arrangement might be settled as the value of his annual rentcharge; do you not do that?—Yes; this resolution asks to get the fee, unquestionably, and the sub-lessees think they are entitled to this, from the great change made in the tenure of the property by the enfranchisement.

5268. Upon what ground do you, as a solicitor, recommend Parliament to break through that deliberate agreement between those two people, against the will of one of them?—The sub-lessees have this view; that inasmuch as the sub-lessees themselves have laid out all the money and improved the property, without working injustice to the lessees, they should have an opportunity of obtaining the fee, a new arrangement being made by Parliament with regard to the property itself; for unless this were so, upon enfranchisement by the lessees, they would be acquiring, at the cost of the sub-lessees (by whom the money would be paid), an improved interest, and one which they could dispose of at a greatly enhanced amount.

5269. Ought not the original lessee to be the judge, whether he likes it or not?—The sub-lessees think not.

5270. As a solicitor, can you give me a reason for that apparent injustice?—Taking the terms of the lease, of course it is a variance from it.

5271. What reason do you give Parliament for interfering with the contracts between two people?—Because it is proposed to have an entirely new dealing with this property, and it is inconsistent, in such an event, for the lessees to absorb the whole benefit.

5272. It is the lessees' property, not the property of the sub-lessees?—To a certain

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certain extent it is the sub-lessees' property, because they hold it as long as the lessees hold it.

5273. But it is with the lessee that the original contract has been made?—As between the Bishop and the lessee.

5274. You propose to take the property away from him without any reason whatever, to please the sub-lessee?—No; what the sub-lessees propose is, that the same dealing as between the Bishop and the lessee should take place between the lessee and themselves.

5275. But you propose that it should be compulsory on the lessee, without any option on his part, do you not?—Provision being made for fair terms being obtained.

5276. But you do not give him an option?—No; supposing this recommendation to be carried out.

5277. Although there is a special agreement between the two parties?—Yes.

5278. And you can give me no reason, as a solicitor, for it?—No other reason than that the sub-lessees think, upon a fresh arrangement being made in dealing with the property, they should have an opportunity of acquiring the property itself, upon payment of the value of the redeemed rent to the lessees.

5279. Mr. *Wilkinson*.] I understand you to say, that you do not think that the present Acts of Parliament give the power to make what you would consider a fair arrangement between the sub-lessees and the lessees?—I do not say so myself, because I think they do; but there is a doubt; Mr. Paynter and others have expressed a doubt.

5280. Is not this the nature of the operation, that the lessees having taken a lease from the Bishop, grant a sub-lease to certain parties upon covenants to renew as long as a renewal shall be made to them for ever?—Yes.

5281. The sub-lessees in that case often improve the property, do they not?—Yes.

5282. Then, as I understand you, the position in which the lessees are, is this; that having had a lease on the one side from the Bishop, and having granted a lease on the other, with a covenant to renew so long as renewal is granted to them, the lessees have determined their interest?—Except as regards their rent.

5283. They have no interest, except the rent?—No.

5284. They have determined their interest in the value?—Just so.

5285. Then for the process of enfranchisement, is it or is it not, in your opinion, fair that the parties who have the interest in the value should have the power of enfranchising?—That is the view which the sub-lessees have taken.

5286. Is it not the case that the sub-lessees are the only parties who have an interest in the increased value of the property?—It is so, subject to the payment of the rent.

5287. I am speaking of the increased value?—Yes.

5288. The property, of course, is subject to decrease or increase in value; as I understand you, the lessees have determined their interest in that value, by granting a lease upon certain terms?—Yes.

5289. They cannot, therefore, be advantaged by the improvement of the property, or disadvantaged by its non-improvement?—That is the case so long as the sub-lessee pays his proportion of the fine, and complies with all his covenants.

5290. So long as that contract exists?—Yes.

5291. But the sub-lessees have an intimate interest, I believe, in the increase or decrease of the value of the property?—Yes.

5292. Who is the party called upon to pay for the value of this enfranchisement?—The sub-lessees would be called upon to pay.

5293. The sub-lessees are called upon to raise the money necessary for the purpose of enfranchisement?—All who hold under sub-lease. The lessees hold a portion themselves.

5294. I speak of what the sub-lessees hold. Upon the terms of that of which they have the holding, when an enfranchisement takes place, I understand you to say that the sub-lessee is the party called upon to pay for that enfranchisement?—Yes.

5295. Of course he is called upon to raise the money?—Yes.

5296. Is he enabled easily to raise money on the property under such covenants as now exist; is it an easy matter to raise money on the property as matters

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are now existing?—Not, perhaps, exactly as now existing; but I should think that there would not be such great difficulty in raising it when the enfranchisement is carried out.

5297. Would it, in your opinion, be then a fair arrangement to give to the sub-lessee the power of enfranchising, securing by some means or other the interest of the lessee?—Yes, that is the view which the sub-lessees take; they are anxious that the lessees should be the parties to enfranchise with the Bishop, but at the same time they want to reserve to themselves the right of enfranchising if they think proper with the lessees afterwards; they do not wish to step in between the lessees and the Bishop.

5298. The lessee having a certain terminable interest in the lease, irrespective of the increase or decrease in the value of the property, the sub-lessees have an interest varying with that value?—Yes.

5299. Does not it then appear to you that the sub-lessees are the parties who should enfranchise, taking care to secure to the lessees all the interest which they have at present?—That, perhaps, might be correct as an abstract principle, but the sub-lessees, in this particular instance, do not wish to step in between the Bishop and the lessees; they wish to have the power of enfranchising from the lessees, upon their enfranchising.

5300. Mr. *Mowbray.*] What do you mean by saying that you do not think it right that the same covenants should be inserted as are contained in the present leases; do you mean by that that Parliament should interfere, and say what covenants should be inserted in those leases?—No. What I mean is this; that when the property is enfranchised and demised in fee, subject to the payment of a rent, it would be objectionable to have restrictive covenants, which would not enable the property to be so easily dealt with, because it could be forfeited on breach of any of those covenants. At present there are covenants for insurance, painting, and other things, which would not be necessary; because, I imagine, that the deed should rather assume the character of a rentcharge than of a lease.

5301. The present covenants have been inserted in pursuance of arrangements mutually made between the lessees and their sub-lessees, have they not?—Yes.

5302. Like the covenants of a lease between landlord and tenant?—Yes.

5303. Do you propose that Parliament should interfere to prescribe a certain form of covenant in future?—There should be some arrangement made, so as not to have the same covenants inserted in leases which are now inserted.

5304. Upon what ground do you think that Parliament should take such an exceptional course as to prescribe the special covenants of a lease extending over 30 acres of land in Southwark?—Simply because it has been stated, and has been already before this Committee, that the covenants should be the same as those in the present leases, which both the sub-lessees and myself think would be very restrictive; the sub-lessees would pay the fine, or the amount of the enfranchisement, and there would not be any necessity for the stringent covenants continuing; all that the lessees could require would be the payment of their rent, and such covenants as would ensure that payment.

5305. Assuming the lessee to enfranchise, and the sub-lessee to pay a proportionate quantity of the fine to the lessee upon enfranchisement, and then to have the property conveyed to him subject to a perpetual rent, what are the present covenants to which you take an exception?—The present covenants are those of a common lease, at a rack-rent.

5306. Would it not be necessary to have covenants to repair and insure, and to do certain acts, in order to enable the payment of that rentcharge, in which the lessee would have a perpetual interest?—There would be a necessary covenant for the payment of the rent, and for re-entry, in consequence of the non-payment of the rent, but I do not see that any other covenant is necessary.

5307. Do you think that no covenant would be necessary to keep the premises insured?—I do not think so, because the payment of the money would be a large amount in the first instance, and it would be for the interest of the sub-lessee to take care that the property was properly upheld and insured.

5308. Then would you invoke the assistance of Parliament to prevent so reasonable a covenant being inserted as that the lessee of property having a perpetual rentcharge, the sub-lessee should be bound to keep that property in such a state as to be worth the rent?—No, I should not do that; covenants might be inserted which would secure that, and at the same time not be of their present

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stringent character. A covenant for insurance, if broken, would forfeit the property at any time.

5309. *Chairman.*] Do you wish to state anything further to the Committee?—One class of sub-lessees wish me to state the peculiar position in which they are placed, which is this: On the last occasion of a life being put in, some of them were not in a condition to pay the fine, and they paid an additional rent; and they think that some arrangement should be made that their rent should not be perpetuated at that amount, because it is only the payment of one fine, and if that rent were perpetuated, they conceive that it would be exceedingly high.

5310. Mr. *Wilkinson.*] Does it not often happen that the sub-lessees who are called upon to pay this fine, have some difficulty in raising the money?—Yes, it has been so, to my knowledge.

5311. Mr. *Mowbray.*] May it not happen sometimes that the lessee wishing to enfranchise, also finds a difficulty in raising the money?—It may be so, but I believe that the whole of the money, on the last occasion, was found by the sub-lessees.

5312. May it not often happen in England, that the lessee wishing to enfranchise, finds a difficulty in raising the money?—It may, possibly, in England; I do not think it would arise here.

5313. Mr. *Wilkinson.*] Would not the fact of holding the lease give a greater opportunity of raising money upon the property than the sub-lessee would have with the covenants of his sub-lease?—Certainly; but such a question would not apply to the lessees of this property.

5314. Would not the sub-lessee be in a much better position to raise the money if he had a freehold instead of a leasehold property?—Certainly.

APPENDIX.

APPENDIX

TO

THIRD REPORT FROM THE SELECT COMMITTEE

ON THE

ECCLESIASTICAL COMMISSION, &c.

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ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

STATEMENT by the Marquis of *Blandford*, with reference to the Bill for the better Management of Episcopal and Capitular Estates.

THE provisions of this Bill transfer, on the 1st January next, all the Episcopal and Capitular Estates to the Ecclesiastical Commission; the Episcopal Estates to be managed by an Episcopal Committee, comprising the First Church Estates Commissioner and two other paid members, and the rest of the estates to be subjected to the temporary management of the present Estates Committee of the Ecclesiastical Commission.

In order to a correct estimate of the grounds upon which this proposal is made, a brief review of the changes which have conduced to the present state of the property is necessary.

The incomes of all Bishops who have been appointed since the year 1848 is fixed by an Act of the 13 & 14 Vict. c. 94, and a scheme of the Commissioners ratified by an Order in Council, further determines the mode of putting the provisions of this Act into effect.

By these means the Commissioners are entitled to any surplus that may be derived from the estates of any See, while at the same time they are liable to make up any deficiency in its income; the managment of the respective properties continues to be exercised by the Bishops, while the sanction of the Commissioners is requisite previous to any lease being granted.

By this arrangement it appears that while the incumbent of the See is virtually relieved from all direct interest in the property, questions are liable to arise, both as to the renewal of leases and the transactions consequent thereupon, which, in consequence of the ill-defined relation to the property mutually occupied by the Bishop and the Commissioners, are often surrounded with embarrassments, and may be prejudicial in their results to the general interests of the Church.

As regards Capitular Property, the Act of the 3 & 4 Vict. c. 113, suspended a certain number of Canonries, the proceeds of which were made payable to the Common Fund of the Commissioners.

The incomes of the members of some of the larger Chapters were by the same Act limited, and their surplus was also made payable to the Common Fund.

Allusion has been already made to the Act of the 17 & 18 Vict. c. 116, by which the Commissioners are required to set apart for the permanent endowment of any Ecclesiastical Corporation, aggregate or sole, a share of any sum resulting from enfranchisements, equal to that which the corporation or any member of it would have been entitled to if the Act had not passed, and the remainder of such sum is made payable to the Common Fund of the Commissioners.

The Common Fund of the Commissioners is thus, it will be seen, entitled to payments accruing in respect of capitular property from three separate sources.

The 3 & 4 Vict., c. 113, further sanctions arrangements by which the Commissioners are authorised to make certain payments to Chapters or to individual members of them.

The first case is where a Chapter or a member of a Chapter has agreed, or is entitled to receive a fixed income, and in this case the Commissioners are liable to make up any deficiency that may occur in such income, while they are, should a surplus exist, entitled to receive it. It appears from a return contained in the Appendix to the First Report that the Deans of the Cathedral Churches of St. David's, Hereford, Lichfield, Peterborough, Ripon, Salisbury, and Wells, and the Canons of the Cathedral Churches of St. David's, Lichfield, Peterborough, Ripon, and Salisbury have entered into arrangements of this nature with the Commissioners.

The second case is that in which certain Chapters have agreed to transfer their estates in fee to the Commissioners, and to receive in exchange a fixed income from them. An arrangement of this nature has been effected with the Chapters of York, Carlisle, Chester, Gloucester, and Peterborough.

These two cases constitute the principal liabilities on the part of the Commissioners to make payments to Chapters out of their Common Fund.

A material difference, however, will be seen to exist between these two descriptions of arrangements, inasmuch as in the latter case the property being transferred to the Commissioners,

sioners, is under their entire control, for its most productive management, and their consequent remuneration for the income for which they have become liable; while in the other case, although they have accepted a liability to secure a fixed income to the Chapters, they possess no control either immediate or indirect over their estates.

The cases which have been enumerated as constituting the claims of the Commissioners upon Chapter property represent, in some Chapters where a considerable number of Canonries have been suspended, and the value of the property has been capable of much increase, a very large interest, to which the Common Fund is entitled; in the case of the Chapter of Durham, it appears that the average revenue to be expected for some time to come from the estates of that Chapter, may equal 60,000 *l.* per annum, while the interest of the Chapter in that revenue, when the reduction in the number of Canonries reaches its limit, will not equal one-half of that amount of income; the Chapter of Westminster presents also another case in which, from similar causes, the Commissioners will be entitled to a large interest in the corporate revenues.

Another contingency, already alluded to, swells the interest which the Commissioners possess in Chapter property; namely, their right to the improved value of estates resulting from enfranchisements. In the case of the property of the Chapter of York, the value of the fee-simple is stated to be upwards of 400,000 *l.*, the sum which the Commissioners have agreed to pay to that Chapter, as a commutation for their estates is 4,400 *l.* per annum; while the interest which the Church, or rather the Commissioners, in consequence of the transfer are expected ultimately to secure from the property, amounts to something under 50 *l.* per cent. of the fee-simple value, or to a capital sum of 200,000 *l.*

The system under which a large interest is possessed by the Commissioners in Capitular property, over which they exercise little or no control, carries with it certain inconveniences and objections. The correspondence which appears in the Appendix to the First Report, between the Chapter of Durham and the Commissioners, affords an illustration of the difficulties that may arise under such last-mentioned arrangements; and while Ecclesiastical Corporations have either to pay over the surplus of their revenues to the Commissioners, who are in their turn liable to make up any deficiency in their incomes, inducements to the careful and consequently improving management of the property will be proportionably diminished.

A further advantage appears to flow from the transfer of estates to the Commissioners in the increased facilities which are thereby afforded for effecting the enfranchisement of leaseholds.

Mr. Lefevre states, in his evidence, that this consideration was one of the motives which weighed with the Commissioners in entering into these arrangements, and that they have much facilitated the dealings with the lessees, which thus, he states, "Have only to pass through one channel instead of two." A similar opinion has been expressed by the Earl of Chichester, who speaks to the advantage of the Commissioners, as large capitalists, dealing in these transactions, as compared with Chapters, who from the obligation of providing for their annual expense, would be unwilling in many cases to sacrifice any portion of their immediate income.

At present these transfers of property are purely voluntary arrangements, and it becomes a question for consideration whether inducements exist sufficient to lead to their general adoption on the part of Ecclesiastical Corporations.

The opinion of Mr. Lefevre is, that the prospect of a fixed instead of a fluctuating income, will be the main inducement with Ecclesiastical Corporations to effect these transfers; but in estimating such a probability, it must be remembered that 13 Bishops are already in receipt of a fixed income, under the provisions of the 13 & 14 Vict. c. 94, and one only has as yet agreed to transfer the estates of the See to the Commissioners; while, under the present state of the law, any Bishop can receive a fixed income from the Commissioners, without the transfer of his estates. With regard to Chapters, nine are already in the receipt of fixed incomes, who have not transferred their estates to the Commissioners, while they possess to some extent the same power of securing a fixed income.

Considerable differences of opinion also appear to exist as to the desirableness of the process of enfranchisement; the Commissioners, on the one hand, expressing their decided conviction of its advantages, a conviction which there is reason to believe is by no means generally shared by members of Chapters, who, it has been before stated, do not derive any advantage in respect of increased value from these transactions.

In addition to this, the private advantage of persons who are concerned in drawing up leases and who are employed by Ecclesiastical Corporations in the management of their estates, must not be lost sight of, in estimating the impediments that may be thrown in the way of a more general adoption of the system of transferring estates to the Commissioners for the purposes of enfranchisement.

Desirable, however, as it may be that some mode should be devised, by which the relation in which the Commissioners stand to a large portion of Capitular property should be placed upon a satisfactory footing, Your Committee being of opinion that considerable inconvenience might be occasioned by any sudden transfer of the whole of the estates of the

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Ecclesiastical Corporations at present, advise the withdrawal of the Bill referred to them for their consideration.

At the same time, for the reasons Your Committee have before suggested, it would appear to be a matter of equal moment, *first*, that there should be no impediment to obstruct the general process of voluntary enfranchisement; and *secondly*, that facilities should be afforded for enabling the Commissioners to obtain absolute control over that portion of Capitular property in which they now by law possess an immediate interest, while the remainder should be vested in the different Ecclesiastical Corporations, and be subject to such conditions as to management, as should ensure its improvement being duly attended to.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

MINUTE of the Board on a Communication from Lord *John Russell* to the Archbishop of Canterbury, relating to the Augmentation of Benefices.

Extract from Minutes of General Meeting, held 8 January 1852, Confirmed 22 January 1852.

The Archbishop of Canterbury laid before the Board the following letter, received by him from Lord John Russell:—

" My Lord, " Downing-street, 10 December 1851.

" I wish to address you, as the Chairman of the Ecclesiastical Commission, on a very important subject.

" On the 4th of February 1835, a Commission was issued by the Crown to the persons therein named, with a view, among other objects, 'to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy in their respective benefices.'

" After the dissolution of Sir Robert Peel's administration, the Commission was renewed on the 6th of June in the same year, with a similar instruction to provide for the cure of souls.

" On the 4th of March 1836 this Commission made a Report. They drew attention to many facts of great importance, and made recommendations which were subsequently embodied in an Act of Parliament.

" Having been one of those who signed the Report, and having introduced in Parliament the Bill founded upon its recommendations, I have naturally felt anxious upon the subject. Your Grace will, I am sure, excuse me therefore, if I refer to some of the principal statements of the Report on the subject of the cure of souls, and to the subsequent proceedings of the Commissioners. In considering the state of the cathedral and collegiate churches in England and Wales, the Commissioners stated that they had two objects in view. 'One is, to improve the condition of those benefices, *the population of which is of considerable amount*, but which are now so scantily endowed as not to yield a competent maintenance for a clergyman; the other is to add to the numbers of clergymen and churches, and so to *make a more adequate provision for the religious instruction of a rapidly increased and increasing population.*'

" In furtherance of these objects, the Commissioners proceed to state, from the Report of the Ecclesiastical Revenues Commission, that there are 3,528 benefices under 150*l.* per annum; that of this number, 13 contained each a population of more than 10,000; 51, a population between 5,000 and 10,000; 251, a population between 2,000 and 5,000; and 1,125, a population between 500 and 2,000. There were thus 1,430 benefices under 150*l.* per annum, having more than 500 population. Of these benefices under 500 population, the Commissioners, in their Report, took no notice whatever. This circumstance must be borne in mind.

" After some remarks, illustrating the wants of the parochial clergy, and the necessity of the 'most serious consideration, and much additional inquiry,' before even the general principles of distribution can be settled, the Commissioners proceed:—

" 'The most prominent, however, of those defects, which cripple the energies of the Established Church, and circumscribe its usefulness, is the want of churches and ministers

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in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means possessed by the Establishment of meeting its spiritual wants; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church.'

"Examples of this lamentable deficiency are not wanting. The Commissioners cite some of the most glaring. 'Thus, in London and its suburbs they state there are four parishes or districts having an aggregate population of 166,000 persons, with church room for 8,200, and 11 clergymen; 20 others, with a population of 739,000, with church room for 66,155; and 45 clergymen, or one for 16,000 persons. In 34 parishes, with a population of 1,137,000, there was only church room for 101,682. Allowing one church for 3,000 persons, 379 churches would be required, whereas there were only with proprietary chapels about 100, while there were only 139 clergymen in a population exceeding 1,000,000.

"In the diocese of Chester there were 38 parishes or districts, each with a population exceeding 10,000; and in the aggregate 816,000, with church room for 97,700.

"In the diocese of York 20 parishes or districts, with a population exceeding 10,000, each with a similar want of church room.

"In the diocese of Lichfield and Coventry 16 parishes or districts, each having a population exceeding 10,000, with a similar result.

"The Commissioners proceed:

"'The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions, and it unfortunately happens that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found.

"'The resources which the Established Church possesses, and which can properly be made available for that purpose in whatever way they may be husbanded or distributed, are evidently *quite inadequate to the exigency of the case*, and all that we can hope to do is gradually to *diminish the intensity of the evil.*'

"With so striking a statement before them the Bishops of the Church, and the Ministers of the Crown, proceeded to advise sacrifices to a very large amount. The cathedral system was, in a great degree, relinquished to supply this alarming deficiency of churches and clergymen. The Crown gave up its patronage in prebends and canonries to a very large extent, to furnish means for so urgent and necessary a purpose.

"The result was not a little surprising. While a member of the Commission I had often urged that this subject of the distribution of funds acquired by the reduction of deaneries, the suppression of canonries, and the abolition of sinecure rectories, should be considered.

"At length, on {19th July 1842, / 25th July 1843,} the Commission agreed to certain resolutions. After some provisions in favour of populous places they resolved, that in benefices having a population of

	1,000	and below	2,000, income to be raised to	£. 120,
	500	„	1,000 „	100,
below	500	- - - - - -	„	80.

"Thus the evils which had been pointed out as greatly outweighing all other inconveniences, as being the most urgent of all, and most requiring the application of an effectual remedy, and to remedy which the resources of the Established Church were quite inadequate, have been postponed or neglected for the purpose of frittering away the resources which were placed in the hands of the Commission. Canonries in the Collegiate Church of Westminster, which were surrendered by the Crown, and which might have afforded the means of endowing new churches in Westminster and London, have been suppressed for the purpose of giving some 20 *l.* or 30 *l.* to small livings, with a population of 200 or 300 persons.

"I have now a return before me, with the population inserted at my request, by your secretary, which will fully bear out what I have said.

"It is a list of benefices and churches augmented by the Commissioners, made up to the 31st October 1850.

"I find in that return these instances:

PARISH.	Grant by Commissioners.	Population.
	£.	
Admarsh - - - - -	21	250
Allen, West - - - - -	67	645
Angle - - - - - -	14	388
Apethorpe - - - - -	21	269
Arlecdon - - - - -	24	576
Arlington - - - - -	30	520
Arncliffe:		
Halton Gill - - - -	14	90
Hubberholme - - -	22	370
Ascot-under-Wychwood - - -	39	521
Avenbury - - - - -	34	400
Bakewell:		
Monyash - - - -	34	520

"It is quite sufficient to give specimens from one letter of the alphabet. From A. to Y. it is the same system.

"Nor let it be supposed, that although the sums are very small, the aggregate amount is insignificant. It exceeds, if I mistake not, 10,000 *l.* a year. For this sum 50 clergymen, in districts exceeding 3,000 or 4,000 in population, might have been endowed with incomes of 200 *l.* a year each.

"This plan appears to have been agreed upon soon after Lord Melbourne and his colleagues left office in 1841, and when our successors were of course inexperienced in this work. As soon as I heard of the scheme, I sought an interview with the Bishop of London, and remonstrated against it. I must say, he did not appear to differ from me.

"Sir Robert Peel afterwards did his utmost to repair the mischief by the Act of Parliament he introduced. But he could not effect his object by borrowing 600,000 *l.*, a debt which still hampers the Commissioners.

"The result is, then, that instead of turning their attention whole and undivided to the evils which they had themselves pointed out; which they declared to outweigh all other evils, and to demand an immediate remedy, the Commissioners have been scattering their funds in driblets, and while they relieved poor clergymen by charitable alms, have wasted resources which might have been made available for a great and paramount purpose.

"Let me add, that the evil thus pointed out by the Commissioners of Inquiry attracted the notice of the House of Commons. Lord Shaftesbury, ever zealous and indefatigable, proposed an address to the Crown to consider of the subdivision of parishes exceeding 4,000 in population.

"The Ministers of the Crown agreed to the address, and a Commission was appointed.

"An Act of last Session is the fruit of their labours. But the most important of their proposals were objected to, and have fallen to the ground.

"Still, therefore, the evil which the Ecclesiastical Commissioners deplored in 1836, and for which the House of Commons sought a remedy in 1836, remains in great, though somewhat abated, force.

"The Commissioners of Inquiry said in 1836:

"'The question as to the general principles of distribution requires the most serious consideration, and much additional inquiry; and we must reserve for the present any distinct recommendation to Your Majesty.'

"Whether that 'most serious consideration' was ever given, whether that 'much additional inquiry' was ever made, I know not; I cannot recollect while I was a Member of the Commission anything of the sort. But I think I have shown sufficient reason for believing that the wants which the Commissioners pointed out as most pressing have not been sufficiently attended to, and that sums amounting to 10,000 *l.* a year have been distributed to places of small population.

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"I trust this is sufficient to induce your Grace to recommend a reconsideration of this important subject. I shall be ready at any time to confer with your Grace, and with the Ecclesiastical Commissioners, or with a few of their number.

"I have, &c.
(signed) "*J. Russell.*"

The Board having considered the foregoing, agreed to the following Minute, of which they resolved that a copy should be forthwith transmitted to the Archbishop of Canterbury.

The Ecclesiastical Commissioners are desirous that Lord John Russell be assured that they shall gladly avail themselves of his offer of conferring with them, or with a few of their number, at any time when it may suit his convenience, either to receive them or to attend a meeting of the Board. They have always regretted that the other important avocations of his Lordship have prevented his more frequent attendance at the Board. It would at all times have been gratifying to them to have had the benefit of his counsel; they are always disposed to pay great deference to his opinions. They are confident moreover that if it had been in his Lordship's power to attend more constantly at the Board he would have taken a less unfavourable view of their proceedings than he has expressed in his communication to the Archbishop of Canterbury.

Periods of nine and eight years respectively have elapsed since the adoption by the Board of the two Resolutions to which his Lordship's *objection* is now, for the first time, made known to the Board. During that time the Board has been deprived of the services of many of those who concurred in them. It is difficult, therefore, to ascertain the motives by which individual Members of the Board were actuated in giving them their sanction. But a reference to the official proceedings of the Board enables the Commissioners to present an explanation which they trust will be satisfactory to his Lordship.

Lord John Russell states, that "instead of turning their attention whole and undivided to the evils which they had themselves pointed out; which they declared to outweigh all other evils, and to demand an immediate remedy, the Commissioners had been scattering their funds, and have wasted their revenues, and that, therefore, the evil which the Ecclesiastical Commissioners deplored in 1836 remains in great, though somewhat abated, force."

It would appear from these passages that his Lordship considers the Commission of Inquiry appointed by his Majesty in 1835 to be identical with the Ecclesiastical Commission constituted by the Act 3 & 4 Vict., cap. 113. It may be necessary, therefore, to premise, that although the names of the persons who formed the Commission of Inquiry in 1835 are included in the number of those who were nominated as Ecclesiastical Commissioners under the Act 3 & 4 Vict., cap. 113; yet the two Commissions were distinct, they acted under different authority, they had different functions imposed upon them. The Commission of 1835 was a Commission of Inquiry appointed "to consider the state of the several Cathedral and Collegiate Churches in England and Wales, with a view to the suggestion of such measures as may render them most conducive to the efficiency of the Established Church, and for devising the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices."

The Ecclesiastical Commission was constituted to carry into effect such recommendations or suggestions of the former Commission, with such modifications as Parliament in its wisdom thought it advisable to adopt.

The objection which the Noble Lord states to the proceedings of the Ecclesiastical Commission may conveniently be considered as follows:—

That by sanctioning the augmentation of benefices, with a population of less than 2,000, they have neglected the application of an effectual remedy for evils represented by the Commission of Inquiry as greatly outweighing all other inconveniences, and his Lordship illustrates this by adding, that canonries in the Collegiate Church of Westminster that might have afforded the means of endowing more churches in Westminster and London, have been suppressed for the purpose of giving some 20 *l.* or 30 *l.* to a population of 200 or 300 persons.

With reference to this illustration it may be sufficient to observe, that the principle of applying the funds derived from a particular cathedral or collegiate church to the endowment of churches within the town or diocese within which it was situated, was distinctly negatived by the Legislature. Unless, therefore, it can be shown that the parishes in Westminster and London were in a situation to admit of augmentation from the Commissioners, and that that augmentation was refused, no further observation on this point can be necessary. That this was not the case, may be safely inferred from the fact that during the time that the resolutions of November 1840 were in force (which authorised grants to those parishes only in which the population exceeded 2,000), although 152 parishes were augmented, two only in Westminster and London, viz., Islington and Hoxton, were competent to receive grants, and did receive, the one a grant of 48 *l.* the other of 72 *l.*

It may be added also, that when Parliament desired to apply the canonries in Westminster to the endowment of churches and districts in Westminster, the object was effected by a specific legislative provision (viz., the 29th sec. of the 3 & 4 Vict., cap. 113).

That

That the Ecclesiastical Commissioners are not justly liable to his Lordship's objection may be best shown by tracing the history of their proceedings with respect to the augmentation of benefices, and by reference to the different documents, to some of which Lord John Russell has himself referred.

The Second Report of the Commission of Inquiry, after having stated that there were no less than 3,528 benefices under 150 *l.* per annum, proceeds thus:—

"Of this number, 13 contain each a population of more than 10,000; 51 a population of from 5,000 to 10,000; 251 a population of between 2,000 and 5,000; and 1,125 have each a population of between 500 and 2,000. On every one of these benefices it is desirable that there should be a resident clergyman, but unless their value be augmented it will in many cases be impossible to secure this advantage." The Commissioners of Inquiry add that, "of these the 1,253 benefices in public patronage are in the first instance the preferable objects of assistance from the funds available for the purpose of augmentation." And with reference to the 3,528 benefices, they refer to Appendix No. 2 to the Report, which is an estimate of the probable cost of augmenting benefices with more than 300 population, which are there stated to require augmentation. It is difficult to infer from these statements that it was the object of the Commissioners of Inquiry to limit augmentation to benefices with more than 2,000 population. On the contrary, that Commission states that 1,253 benefices, of which by far the larger number had a much less population, were the preferable objects of assistance; and moreover, by giving priority of claim to all benefices in public patronage, they excluded from early consideration many in which the population far exceeded that number.

It is true that in a subsequent part of the Report which Lord John Russell has quoted, they give instances of very populous places in several dioceses with inadequate pastoral superintendence and deficient church room; and they state, "that those evils outweigh all other inconveniences."

For these evils, however, the Commissioners suggested no remedy; for it must be borne in mind that the Report of the Commission of Inquiry contemplated merely the augmentation of existing benefices, or of districts to be legally constituted. Districts could only then be formed under the provisions of the Church Building Acts, which required the erection and consecration of a church as a necessary preliminary to the formation of a district; and as the Commissioners of Inquiry recommended no change of the law in that respect, and did not suggest the application of cathedral funds to the building of churches, their suggestions were necessarily confined to the augmentation of income of the actual incumbents of existing benefices, without reference (other than that previously made) to population, or of districts in which a church had been, or should be, first provided out of other funds.

If the Act of the 3 & 4 Vict. c. 113, was intended to make augmentation solely dependent on the amount of population, or to facilitate by formation of districts the increase of incumbents in populous towns, such intention would surely have been plainly expressed. But the only clause in which any reference is made to population is the 73d, which refers merely to questions of patronage, while the 67th clause, which directs the mode in which the common fund is to be disposed of, leaves it to the discretion of the Ecclesiastical Commissioners to apply it "for the cure of souls in parishes where such assistance is most required, in such manner as shall be deemed most conducive to the efficiency of the Established Church;" and at the same time renders it obligatory on the Commissioners to augment a particular class of benefices, namely, those the tithes of which might become vested in the Commissioners, many of which were notoriously of very small population.

Such being the law under which the Ecclesiastical Commissioners were bound to act, they, so soon as any funds were at their disposal, took into their serious consideration the mode in which those funds should be appropriated.

At a meeting held on the 15th August 1840, after reading the passage at page 5 of the Second Report of the Church Inquiry Commissioners, respecting 13, 51, and 251 benefices, all stated to be below an income of 150 *l.* per annum, and to have a population of 10,000, 5,000, and 2,000, they

"Resolved,

"That the claims to augmentation of such of these benefices as are strictly in public patronage be *primarily* considered at the first full meeting of the Commissioners, and that in the meantime the Secretary take steps for correcting in each case the statements which appear upon the Report of the Ecclesiastical Revenues Commissioners presented in 1835."

"That returns be requested from the several Bishops of all churches within their dioceses consecrated since that period, or which from any other cause are not included in the Report, with the view of ascertaining whether any of such churches come within the class so to be *first* considered."

The matter having been referred to a Committee, the Committee reported (on the 24th November 1840, and the Board confirmed their report), "That they having considered the

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proper limitations, exceptions, and regulations to be observed with reference to the churches *first* to be augmented, are of opinion that none should be augmented, the incumbents of which have not cure of souls; therefore, that in the cases of new churches and chapels the assignment of a district should be deemed a necessary condition."

On the 10th May 1841, the Board "Resolved, that the Commissioners do recommend to Her Majesty in Council such augmentations as may be requisite to secure an average annual net income of 150 *l.* to the incumbent of every benefice or church with cure of souls having a population amounting to 2,000, and being in public patronage."

A scheme was accordingly prepared, and submitted to Her Majesty, and Her Majesty was pleased to confirm the same by Order in Council, which, after giving effect to the augmentations resolved upon by the Board, enacted, "That nothing herein contained shall prevent the Commissioners from extending augmentation to other classes of benefices when their funds shall have sufficiently increased;" a provision inconsistent with the idea that it was then determined not to extend augmentation to other classes.

On the 5th of July 1842, the Treasurer reported to the Board that, "after making all the augmentations estimated as coming within the present resolutions of the Commissioners relating to augmentations, there would probably be an annual surplus income of somewhat more than 7,000 *l.*;" and the Board then resolved, "That it be referred to the Committee to consider whether, under these circumstances, it would be expedient to extend the existing resolutions to any other, and what class of benefices."

The following members attended the Committee: The Archbishop of Canterbury, the Earl of Harrowby, and the Bishops of London, Chichester, and Norwich.

Of those two only survive, viz., the Bishops of London and Chichester. They came to the following resolution:

"That, as the enlargement of the resolutions relating to augmentations may now be done to a certain extent, it is desirable that the extension be made in favour of livings with populations below 2,000, and they recommended the following scale of augmentation, viz., where population is,—

	£.
"Below 2,000, and amounts to 1,000	120
" „ 1,000 „ „ 500	100
" „ 500	80

"To effect the whole of this according to the estimate before the Committee, will require the annual sum of 13,046 *l.*, and the present available surplus being only about 7,000 *l.*, the Committee request the Board, if they approve the scale, to consider with which portion, with or without modification, it is expedient to commence, and in what order to proceed."

On receiving this Report the Board

"Resolved,

"That as the annual income increases the scale recommended by the Committee in the foregoing Report be fully carried out, subject to the same right of declining to recommend a grant as was reserved by the former resolutions, but that no grants be made until further notice to livings with a population below 1,000."

On the 4th April 1843, a Committee of the Board having had before them an individual offer of benefaction, coupled with an application for augmentation of a parish with a population of less than 500, and an income less than 80 *l.*, recommended the proposal to the Board on the ground "of the advantage of an arrangement by which a resident incumbent will be secured." The Board referred "the matter back to the same Committee, with instructions to consider the expediency of passing a general resolution on the subject."

The following members attended the Committee, viz., the Archbishops of Canterbury and York; the Bishops of London, Winchester, Chester, Chichester, Hereford, Lincoln, and Salisbury, the Dean of Westminster, Lord Wharncliffe, Lord Duncannon, and Sir George Grey.

They came to the resolution, "That having had before them a statement of the present annual income, of the amount of grants already made, and the estimate of the probable amount required for completing the augmentations of benefices with populations of 2,000 and 1,000 respectively, they are of opinion that the annual surplus, after providing for these liabilities, justifies the Commissioners in proceeding at once to fulfil their promise respecting churches with a population of 500, and in accepting benefactions in all cases within their rules of relative population and value; and they recommend that this alteration be adopted, and due notice of it be given in the printed resolutions of the Board;" and the Board, with Lord Duncannon in the chair, confirmed this resolution.

At this period Sir Robert Peel introduced a Bill into Parliament, called the Church Endowment Act, the object of which was to give, for the first time, a power to the Ecclesiastical Commissioners to subdivide populous parishes by the formation of districts within them, and to endow them with funds derived from a loan made by the Governors of Queen Anne's Bounty. A plan to a similar effect had been submitted to the Board by the secretary to the Bounty Board, and printed for their use in February 1841.

When Sir Robert Peel's Bill had made some progress in Parliament the Ecclesiastical Commissioners appointed a Special Committee "to consider what general regulations it may be proper to lay down as to the mode of working the Church Endowment Bill when it shall have received the Royal Assent, and how far it will be expedient to alter or extend the existing resolutions respecting augmentations."

That Committee reported on the 25th July 1843, "that having considered the existing resolutions respecting augmentations, they recommend that the first class be extended so as to include populations below 500." With respect to the Endowment Act the same Committee reported, "that no application be, in the first instance, entertained for constituting a district to be endowed solely out of the funds created by the Church Endowment Act, which shall contain a population of less than 2,000;" and the Board having sanctioned the resolutions of the Committee, notice of the altered resolution as to augmentation was promulgated.

The combined effect of facilitating the formation of new districts and extending the augmentation to less populous parishes, brought forward an extent of applications for grants beyond what the Commissioners had anticipated or had the means of meeting; and on the 6th August 1844 they suspended, with some exceptions, until further public notice, the published resolutions respecting augmentation; accompanying that suspension by an assurance that all applications which had been made before a certain date should be taken into consideration so soon as the state of their funds would allow.

This suspension, though necessary from the inadequacy of the funds of the Commission, gave rise to some real hardship and to serious complaint. Those who with the praiseworthy object of relieving spiritual destitution had built churches, had given up the patronage, and had had districts assigned to them in expectation of receiving grants, had to sustain severe disappointment. Considering therefore the strong claim of these parties to assistance, founded on the assurances conveyed to them in 1844, and having in view the paramount importance of securing what the Royal Commission of 1835 specially enjoined, an increase of the number of resident clergy, the Commissioners determined, on the 8th April 1848, to afford to the more urgent cases partial relief; and to appropriate to that object a sum not exceeding 5,000 *l.* per annum. A detail of the measures adopted under the resolution is given in the last Report of the Commissioners to Her Majesty, which was submitted to Parliament in the course of the last Session.

Having thus detailed the measures taken by the Ecclesiastical Commissioners with respect to the augmentation of benefices, from the period of their first appointment up to the present time, they have little to add in explanation or defence of those proceedings.

If the Board has exceeded the limit of distribution laid down by the Commissioners of Inquiry in 1835, that excess at the utmost goes no further than the grants made to benefices with a less population than 500. The amount of the sum annually so expended is 1,569 *l.* only, out of a total sum of 45,805 *l.* annually paid for augmentation of benefices, and the decision to make this limited expenditure was not taken until Parliament had by the 6 & 7 Vict., cap. 37, the Church Endowment Act, made provision not previously anticipated for the spiritual care of populous parishes; and had enabled the Commissioners to create 228 new districts, with large populations, in addition to the 270 populous places to which they had previously assigned assistance out of the common fund.

If, after thus providing for 498 populous parishes or districts, the Commissioners thought it advisable to apply a limited sum to meet the wants of some less populous places, and thereby to secure to them the advantage specially enjoined in the Royal Commission of 1835, of a resident incumbent, the course pursued will not it is hoped be deemed by his Lordship, on reflection, to have been unjustifiable.

It may perhaps be a question whether the Commissioners have properly exercised the discretion confided to them; but their object has been singly to promote the efficiency of the Established Church, and to provide for the cure of souls with special reference to the residence of the clergy on their respective benefices.

That the payments made were small, is unfortunately too true. This objection applies equally to some of the grants made to the most populous places. The minimum of assistance to be given in any case was fixed by a resolution of the Board of the 24th November 1840, at 5 *l.*, and sums under 10 *l.* were assigned to populous districts under the earliest distribution, in order to raise the income to 150 *l.* Such a contribution if not unfit when applied to an income of less than 150 *l.*, must when applied to an income of less than 80 *l.* a year be at least of an equal, if not of a greater value.

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But it must not be imagined that this provision for smaller districts did not benefit those parishes that were more populous. Many of those districts, though themselves of limited population, were taken out of parishes where the population was large. Of 205 parishes or districts with populations under 1,000, to whom grants in augmentation have been made, 60 are districts taken out of parishes with a population above 5,000; 56 out of parishes with a population above 2,000; and only 37 out of parishes with a population less than 1,000. In these cases, of which some few are annexed as examples, the populous place had the advantage of another resident clergyman within it, and the over-burthened incumbent was thus in many cases relieved from the charge of the more distant portion of his flock, to which, either from distance or other circumstances, it had been impossible for him to pay adequate attention.

The Ecclesiastical Commissioners have thus brought under Lord John's notice the facts and circumstances connected with their administration of the funds committed to them. They are aware that all public bodies, to whom discretion is entrusted, are liable to be called in question for its exercise; and that after a certain lapse of time transactions may appear in a very different light from that in which they were originally viewed. The proceedings of the Commissioners, however, as regards augmentation, have been always known to the public. Their resolutions have on each several occasion been printed and promulgated. Each separate case of augmentation has been submitted to and received the sanction of Her Majesty in Council. The whole of the proceedings of the Commissioners have been specifically stated in the Reports from time to time submitted to Her Majesty, and by Her Majesty's command laid before both Houses of Parliament; and although a Committee of the House of Commons was engaged during two successive years, 1847 and 1848, in examining the management of the Ecclesiastical Commission; and although an Act of Parliament was introduced and passed in the course of the year 1850 to regulate their future proceedings, yet the resolutions of the Board of 1842 and 1843, now for the first time the subject of his Lordship's observation, did not call forth any expression of disapprobation from the Committee, nor was the general administration of the funds applicable to the augmentation of benefices deemed by Parliament to require any interference with that discretion which the law had previously vested in the Ecclesiastical Commissioners.

	Population.			Population.
Admarsh	250,	taken out of	Lancaster	24,149
Stone	296	„	Berkeley	4,701
Crook	257	„	Brancepeth	2,157
Keresley	416	„	Coventry	19,521
Newlands	125	„	Crossthwaite	6,778
Stockwith	438	„	Gainsborough	8,766
Rathmel	330	„	Giggleswick	6,726
Callwen	118	„	Devynnock	3,474
St. Ilityd	248			
Hagel	213	„	Kendal	27,188
New Hutton	355			
Hook	222	„	Kingston	22,257
Dallaghill	400	„	Kirkby Malzeard	10,912
Mickley	300			
Arkendale	305	„	Knaresborough	13,781
Hewgill	251	„	Sedburgh	7,404
Hutton Roof	319	„	Kirkby Lonsdale	10,912
Barton	319			
Willington	301			

Ecclesiastical Corporations at present, advise the withdrawal of the Bill referred to them for their consideration.

At the same time, for the reasons Your Committee have before suggested, it would appear to be a matter of equal moment, *first*, that there should be no impediment to obstruct the general process of voluntary enfranchisement; and *secondly*, that facilities should be afforded for enabling the Commissioners to obtain absolute control over that portion of Capitular property in which they now by law possess an immediate interest, while the remainder should be vested in the different Ecclesiastical Corporations, and be subject to such conditions as to management, as should ensure its improvement being duly attended to.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

MINUTE of the Board on a Communication from Lord *John Russell* to the Archbishop of Canterbury, relating to the Augmentation of Benefices.

Extract from Minutes of General Meeting, held 8 January 1852, Confirmed 22 January 1852.

The Archbishop of Canterbury laid before the Board the following letter, received by him from Lord John Russell:—

"My Lord, "Downing-street, 10 December 1851.

"I wish to address you, as the Chairman of the Ecclesiastical Commission, on a very important subject.

"On the 4th of February 1835, a Commission was issued by the Crown to the persons therein named, with a view, among other objects, 'to devise the best mode of providing for the cure of souls, with special reference to the residence of the clergy in their respective benefices.'

"After the dissolution of Sir Robert Peel's administration, the Commission was renewed on the 6th of June in the same year, with a similar instruction to provide for the cure of souls.

"On the 4th of March 1836 this Commission made a Report. They drew attention to many facts of great importance, and made recommendations which were subsequently embodied in an Act of Parliament.

"Having been one of those who signed the Report, and having introduced in Parliament the Bill founded upon its recommendations, I have naturally felt anxious upon the subject. Your Grace will, I am sure, excuse me therefore, if I refer to some of the principal statements of the Report on the subject of the cure of souls, and to the subsequent proceedings of the Commissioners. In considering the state of the cathedral and collegiate churches in England and Wales, the Commissioners stated that they had two objects in view. 'One is, to improve the condition of those benefices, *the population of which is of considerable amount*, but which are now so scantily endowed as not to yield a competent maintenance for a clergyman; the other is to add to the numbers of clergymen and churches, and so to *make a more adequate provision for the religious instruction of a rapidly increased and increasing population.*'

"In furtherance of these objects, the Commissioners proceed to state, from the Report of the Ecclesiastical Revenues Commission, that there are 3,528 benefices under 150*l.* per annum; that of this number, 13 contained each a population of more than 10,000; 51, a population between 5,000 and 10,000; 251, a population between 2,000 and 5,000; and 1,125, a population between 500 and 2,000. There were thus 1,430 benefices under 150*l.* per annum, having more than 500 population. Of these benefices under 500 population, the Commissioners, in their Report, took no notice whatever. This circumstance must be borne in mind.

"After some remarks, illustrating the wants of the parochial clergy, and the necessity of the 'most serious consideration, and much additional inquiry,' before even the general principles of distribution can be settled, the Commissioners proceed:—

"'The most prominent, however, of those defects, which cripple the energies of the Established Church, and circumscribe its usefulness, is the want of churches and ministers

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in the large towns and populous districts of the kingdom. The growth of the population has been so rapid as to outrun the means possessed by the Establishment of meeting its spiritual wants; and the result has been, that a vast proportion of the people are left destitute of the opportunities of public worship and Christian instruction, even when every allowance is made for the exertions of those religious bodies which are not in connexion with the Established Church.'

"Examples of this lamentable deficiency are not wanting. The Commissioners cite some of the most glaring. Thus, in London and its suburbs they state there are four parishes or districts having an aggregate population of 166,000 persons, with church room for 8,200, and 11 clergymen; 20 others, with a population of 739,000, with church room for 66,155; and 45 clergymen, or one for 16,000 persons. In 34 parishes, with a population of 1,137,000, there was only church room for 101,682. Allowing one church for 3,000 persons, 379 churches would be required, whereas there were only with proprietary chapels about 100, while there were only 139 clergymen in a population exceeding 1,000,000.

"In the diocese of Chester there were 38 parishes or districts, each with a population exceeding 10,000; and in the aggregate 816,000, with church room for 97,700.

"In the diocese of York 20 parishes or districts, with a population exceeding 10,000, each with a similar want of church room.

"In the diocese of Lichfield and Coventry 16 parishes or districts, each having a population exceeding 10,000, with a similar result.

"The Commissioners proceed:

"'The evils which flow from this deficiency in the means of religious instruction and pastoral superintendence greatly outweigh all other inconveniences resulting from any defects or anomalies in our ecclesiastical institutions, and it unfortunately happens that while these evils are the most urgent of all, and most require the application of an effectual remedy, they are precisely those for which a remedy can be least easily found.

"'The resources which the Established Church possesses, and which can properly be made available for that purpose in whatever way they may be husbanded or distributed, are evidently *quite inadequate to the exigency of the case*, and all that we can hope to do is gradually to *diminish the intensity of the evil*.'

"With so striking a statement before them the Bishops of the Church, and the Ministers of the Crown, proceeded to advise sacrifices to a very large amount. The cathedral system was, in a great degree, relinquished to supply this alarming deficiency of churches and clergymen. The Crown gave up its patronage in prebends and canonries to a very large extent, to furnish means for so urgent and necessary a purpose.

"The result was not a little surprising. While a member of the Commission I had often urged that this subject of the distribution of funds acquired by the reduction of deaneries, the suppression of canonries, and the abolition of sinecure rectories, should be considered.

"At length, on {19th July 1842, / 25th July 1843,} the Commission agreed to certain resolutions. After some provisions in favour of populous places they resolved, that in benefices having a population of

	1,000	and below	2,000, income to be raised to	£. 120,
	500	„	1,000 „	100,
below	500	- - - - -	„	80.

"Thus the evils which had been pointed out as greatly outweighing all other inconveniences, as being the most urgent of all, and most requiring the application of an effectual remedy, and to remedy which the resources of the Established Church were quite inadequate, have been postponed or neglected for the purpose of frittering away the resources which were placed in the hands of the Commission. Canonries in the Collegiate Church of Westminster, which were surrendered by the Crown, and which might have afforded the means of endowing new churches in Westminster and London, have been suppressed for the purpose of giving some 20 *l.* or 30 *l.* to small livings, with a population of 200 or 300 persons.

"I have now a return before me, with the population inserted at my request, by your secretary, which will fully bear out what I have said.

"It is a list of benefices and churches augmented by the Commissioners, made up to the 31st October 1850.

"I find in that return these instances:

PARISH.	Grant by Commissioners.	Population.
	£.	
Admarsh	21	250
Allen, West	67	645
Angle	14	388
Apethorpe	21	269
Arlecdon	24	576
Arlington	30	520
Arncliffe:		
Halton Gill	14	90
Hubberholme	22	370
Ascot-under-Wychwood	39	521
Avenbury	34	400
Bakewell:		
Monyash	34	520

"It is quite sufficient to give specimens from one letter of the alphabet. From A. to Y. it is the same system.

"Nor let it be supposed, that although the sums are very small, the aggregate amount is insignificant. It exceeds, if I mistake not, 10,000 *l.* a year. For this sum 50 clergymen, in districts exceeding 3,000 or 4,000 in population, might have been endowed with incomes of 200 *l.* a year each.

"This plan appears to have been agreed upon soon after Lord Melbourne and his colleagues left office in 1841, and when our successors were of course inexperienced in this work. As soon as I heard of the scheme, I sought an interview with the Bishop of London, and remonstrated against it. I must say, he did not appear to differ from me.

"Sir Robert Peel afterwards did his utmost to repair the mischief by the Act of Parliament he introduced. But he could not effect his object by borrowing 600,000 *l.*, a debt which still hampers the Commissioners.

"The result is, then, that instead of turning their attention whole and undivided to the evils which they had themselves pointed out; which they declared to outweigh all other evils, and to demand an immediate remedy, the Commissioners have been scattering their funds in driblets, and while they relieved poor clergymen by charitable alms, have wasted resources which might have been made available for a great and paramount purpose.

"Let me add, that the evil thus pointed out by the Commissioners of Inquiry attracted the notice of the House of Commons. Lord Shaftesbury, ever zealous and indefatigable, proposed an address to the Crown to consider of the subdivision of parishes exceeding 4,000 in population.

"The Ministers of the Crown agreed to the address, and a Commission was appointed.

"An Act of last Session is the fruit of their labours. But the most important of their proposals were objected to, and have fallen to the ground.

"Still, therefore, the evil which the Ecclesiastical Commissioners deplored in 1836, and for which the House of Commons sought a remedy in 1836, remains in great, though somewhat abated, force.

"The Commissioners of Inquiry said in 1836:

"'The question as to the general principles of distribution requires the most serious consideration, and much additional inquiry; and we must reserve for the present any distinct recommendation to Your Majesty.'

"Whether that 'most serious consideration' was ever given, whether that 'much additional inquiry' was ever made, I know not; I cannot recollect while I was a Member of the Commission anything of the sort. But I think I have shown sufficient reason for believing that the wants which the Commissioners pointed out as most pressing have not been sufficiently attended to, and that sums amounting to 10,000 *l.* a year have been distributed to places of small population.

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"I trust this is sufficient to induce your Grace to recommend a reconsideration of this important subject. I shall be ready at any time to confer with your Grace, and with the Ecclesiastical Commissioners, or with a few of their number.

"I have, &c.
(signed) "*J. Russell.*"

The Board having considered the foregoing, agreed to the following Minute, of which they resolved that a copy should be forthwith transmitted to the Archbishop of Canterbury.

The Ecclesiastical Commissioners are desirous that Lord John Russell be assured that they shall gladly avail themselves of his offer of conferring with them, or with a few of their number, at any time when it may suit his convenience, either to receive them or to attend a meeting of the Board. They have always regretted that the other important avocations of his Lordship have prevented his more frequent attendance at the Board. It would at all times have been gratifying to them to have had the benefit of his counsel; they are always disposed to pay great deference to his opinions. They are confident moreover that if it had been in his Lordship's power to attend more constantly at the Board he would have taken a less unfavourable view of their proceedings than he has expressed in his communication to the Archbishop of Canterbury.

Periods of nine and eight years respectively have elapsed since the adoption by the Board of the two Resolutions to which his Lordship's *objection* is now, for the first time, made known to the Board. During that time the Board has been deprived of the services of many of those who concurred in them. It is difficult, therefore, to ascertain the motives by which individual Members of the Board were actuated in giving them their sanction. But a reference to the official proceedings of the Board enables the Commissioners to present an explanation which they trust will be satisfactory to his Lordship.

Lord John Russell states, that "instead of turning their attention whole and undivided to the evils which they had themselves pointed out; which they declared to outweigh all other evils, and to demand an immediate remedy, the Commissioners had been scattering their funds, and have wasted their revenues, and that, therefore, the evil which the Ecclesiastical Commissioners deplored in 1836 remains in great, though somewhat abated, force."

It would appear from these passages that his Lordship considers the Commission of Inquiry appointed by his Majesty in 1835 to be identical with the Ecclesiastical Commission constituted by the Act 3 & 4 Vict., cap. 113. It may be necessary, therefore, to premise, that although the names of the persons who formed the Commission of Inquiry in 1835 are included in the number of those who were nominated as Ecclesiastical Commissioners under the Act 3 & 4 Vict., cap. 113; yet the two Commissions were distinct, they acted under different authority, they had different functions imposed upon them. The Commission of 1835 was a Commission of Inquiry appointed "to consider the state of the several Cathedral and Collegiate Churches in England and Wales, with a view to the suggestion of such measures as may render them most conducive to the efficiency of the Established Church, and for devising the best mode of providing for the cure of souls, with special reference to the residence of the clergy on their respective benefices."

The Ecclesiastical Commission was constituted to carry into effect such recommendations or suggestions of the former Commission, with such modifications as Parliament in its wisdom thought it advisable to adopt.

The objection which the Noble Lord states to the proceedings of the Ecclesiastical Commission may conveniently be considered as follows:—

That by sanctioning the augmentation of benefices, with a population of less than 2,000, they have neglected the application of an effectual remedy for evils represented by the Commission of Inquiry as greatly outweighing all other inconveniences, and his Lordship illustrates this by adding, that canonries in the Collegiate Church of Westminster that might have afforded the means of endowing more churches in Westminster and London, have been suppressed for the purpose of giving some 20 *l.* or 30 *l.* to a population of 200 or 300 persons.

With reference to this illustration it may be sufficient to observe, that the principle of applying the funds derived from a particular cathedral or collegiate church to the endowment of churches within the town or diocese within which it was situated, was distinctly negatived by the Legislature. Unless, therefore, it can be shown that the parishes in Westminster and London were in a situation to admit of augmentation from the Commissioners, and that that augmentation was refused, no further observation on this point can be necessary. That this was not the case, may be safely inferred from the fact that during the time that the resolutions of November 1840 were in force (which authorised grants to those parishes only in which the population exceeded 2,000), although 152 parishes were augmented, two only in Westminster and London, viz., Islington and Hoxton, were competent to receive grants, and did receive, the one a grant of 48 *l.* the other of 72 *l.*

It may be added also, that when Parliament desired to apply the canonries in Westminster to the endowment of churches and districts in Westminster, the object was effected by a specific legislative provision (viz., the 29th sec. of the 3 & 4 Vict., cap. 113).

That

That the Ecclesiastical Commissioners are not justly liable to his Lordship's objection may be best shown by tracing the history of their proceedings with respect to the augmentation of benefices, and by reference to the different documents, to some of which Lord John Russell has himself referred.

The Second Report of the Commission of Inquiry, after having stated that there were no less than 3,528 benefices under 150 *l.* per annum, proceeds thus:—

"Of this number, 13 contain each a population of more than 10,000; 51 a population of from 5,000 to 10,000; 251 a population of between 2,000 and 5,000; and 1,125 have each a population of between 500 and 2,000. On every one of these benefices it is desirable that there should be a resident clergyman, but unless their value be augmented it will in many cases be impossible to secure this advantage." The Commissioners of Inquiry add that, "of these the 1,253 benefices in public patronage are in the first instance the preferable objects of assistance from the funds available for the purpose of augmentation." And with reference to the 3,528 benefices, they refer to Appendix No. 2 to the Report, which is an estimate of the probable cost of augmenting benefices with more than 300 population, which are there stated to require augmentation. It is difficult to infer from these statements that it was the object of the Commissioners of Inquiry to limit augmentation to benefices with more than 2,000 population. On the contrary, that Commission states that 1,253 benefices, of which by far the larger number had a much less population, were the preferable objects of assistance; and moreover, by giving priority of claim to all benefices in public patronage, they excluded from early consideration many in which the population far exceeded that number.

It is true that in a subsequent part of the Report which Lord John Russell has quoted, they give instances of very populous places in several dioceses with inadequate pastoral superintendence and deficient church room; and they state, "that those evils outweigh all other inconveniences."

For these evils, however, the Commissioners suggested no remedy; for it must be borne in mind that the Report of the Commission of Inquiry contemplated merely the augmentation of existing benefices, or of districts to be legally constituted. Districts could only then be formed under the provisions of the Church Building Acts, which required the erection and consecration of a church as a necessary preliminary to the formation of a district; and as the Commissioners of Inquiry recommended no change of the law in that respect, and did not suggest the application of cathedral funds to the building of churches, their suggestions were necessarily confined to the augmentation of income of the actual incumbents of existing benefices, without reference (other than that previously made) to population, or of districts in which a church had been, or should be, first provided out of other funds.

If the Act of the 3 & 4 Vict. c. 113, was intended to make augmentation solely dependent on the amount of population, or to facilitate by formation of districts the increase of incumbents in populous towns, such intention would surely have been plainly expressed. But the only clause in which any reference is made to population is the 73d, which refers merely to questions of patronage, while the 67th clause, which directs the mode in which the common fund is to be disposed of, leaves it to the discretion of the Ecclesiastical Commissioners to apply it "for the cure of souls in parishes where such assistance is most required, in such manner as shall be deemed most conducive to the efficiency of the Established Church;" and at the same time renders it obligatory on the Commissioners to augment a particular class of benefices, namely, those the tithes of which might become vested in the Commissioners, many of which were notoriously of very small population.

Such being the law under which the Ecclesiastical Commissioners were bound to act, they, so soon as any funds were at their disposal, took into their serious consideration the mode in which those funds should be appropriated.

At a meeting held on the 15th August 1840, after reading the passage at page 5 of the Second Report of the Church Inquiry Commissioners, respecting 13, 51, and 251 benefices, all stated to be below an income of 150 *l.* per annum, and to have a population of 10,000, 5,000, and 2,000, they

"Resolved,

"That the claims to augmentation of such of these benefices as are strictly in public patronage be *primarily* considered at the first full meeting of the Commissioners, and that in the meantime the Secretary take steps for correcting in each case the statements which appear upon the Report of the Ecclesiastical Revenues Commissioners presented in 1835."

"That returns be requested from the several Bishops of all churches within their dioceses consecrated since that period, or which from any other cause are not included in the Report, with the view of ascertaining whether any of such churches come within the class so to be *first* considered."

The matter having been referred to a Committee, the Committee reported (on the 24th November 1840, and the Board confirmed their report), "That they having considered the

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proper limitations, exceptions, and regulations to be observed with reference to the churches *first* to be augmented, are of opinion that none should be augmented, the incumbents of which have not cure of souls; therefore, that in the cases of new churches and chapels the assignment of a district should be deemed a necessary condition."

On the 10th May 1841, the Board "Resolved, that the Commissioners do recommend to Her Majesty in Council such augmentations as may be requisite to secure an average annual net income of 150 *l.* to the incumbent of every benefice or church with cure of souls having a population amounting to 2,000, and being in public patronage."

A scheme was accordingly prepared, and submitted to Her Majesty, and Her Majesty was pleased to confirm the same by Order in Council, which, after giving effect to the augmentations resolved upon by the Board, enacted, "That nothing herein contained shall prevent the Commissioners from extending augmentation to other classes of benefices when their funds shall have sufficiently increased;" a provision inconsistent with the idea that it was then determined not to extend augmentation to other classes.

On the 5th of July 1842, the Treasurer reported to the Board that, "after making all the augmentations estimated as coming within the present resolutions of the Commissioners relating to augmentations, there would probably be an annual surplus income of somewhat more than 7,000 *l.*;" and the Board then resolved, "That it be referred to the Committee to consider whether, under these circumstances, it would be expedient to extend the existing resolutions to any other, and what class of benefices."

The following members attended the Committee: The Archbishop of Canterbury, the Earl of Harrowby, and the Bishops of London, Chichester, and Norwich.

Of those two only survive, viz., the Bishops of London and Chichester. They came to the following resolution:

"That, as the enlargement of the resolutions relating to augmentations may now be done to a certain extent, it is desirable that the extension be made in favour of livings with populations below 2,000, and they recommended the following scale of augmentation, viz., where population is,—

	£.
"Below 2,000, and amounts to 1,000	120
" „ 1,000 „ „ 500	100
" „ 500	80

"To effect the whole of this according to the estimate before the Committee, will require the annual sum of 13,046 *l.*, and the present available surplus being only about 7,000 *l.*, the Committee request the Board, if they approve the scale, to consider with which portion, with or without modification, it is expedient to commence, and in what order to proceed."

On receiving this Report the Board

"Resolved,

"That as the annual income increases the scale recommended by the Committee in the foregoing Report be fully carried out, subject to the same right of declining to recommend a grant as was reserved by the former resolutions, but that no grants be made until further notice to livings with a population below 1,000."

On the 4th April 1843, a Committee of the Board having had before them an individual offer of benefaction, coupled with an application for augmentation of a parish with a population of less than 500, and an income less than 80 *l.*, recommended the proposal to the Board on the ground "of the advantage of an arrangement by which a resident incumbent will be secured." The Board referred "the matter back to the same Committee, with instructions to consider the expediency of passing a general resolution on the subject."

The following members attended the Committee, viz., the Archbishops of Canterbury and York; the Bishops of London, Winchester, Chester, Chichester, Hereford, Lincoln, and Salisbury, the Dean of Westminster, Lord Wharncliffe, Lord Duncannon, and Sir George Grey.

They came to the resolution, "That having had before them a statement of the present annual income, of the amount of grants already made, and the estimate of the probable amount required for completing the augmentations of benefices with populations of 2,000 and 1,000 respectively, they are of opinion that the annual surplus, after providing for these liabilities, justifies the Commissioners in proceeding at once to fulfil their promise respecting churches with a population of 500, and in accepting benefactions in all cases within their rules of relative population and value; and they recommend that this alteration be adopted, and due notice of it be given in the printed resolutions of the Board;" and the Board, with Lord Duncannon in the chair, confirmed this resolution.

At this period Sir Robert Peel introduced a Bill into Parliament, called the Church Endowment Act, the object of which was to give, for the first time, a power to the Ecclesiastical Commissioners to subdivide populous parishes by the formation of districts within them, and to endow them with funds derived from a loan made by the Governors of Queen Anne's Bounty. A plan to a similar effect had been submitted to the Board by the secretary to the Bounty Board, and printed for their use in February 1841.

When Sir Robert Peel's Bill had made some progress in Parliament the Ecclesiastical Commissioners appointed a Special Committee "to consider what general regulations it may be proper to lay down as to the mode of working the Church Endowment Bill when it shall have received the Royal Assent, and how far it will be expedient to alter or extend the existing resolutions respecting augmentations."

That Committee reported on the 25th July 1843, "that having considered the existing resolutions respecting augmentations, they recommend that the first class be extended so as to include populations below 500." With respect to the Endowment Act the same Committee reported, "that no application be, in the first instance, entertained for constituting a district to be endowed solely out of the funds created by the Church Endowment Act, which shall contain a population of less than 2,000;" and the Board having sanctioned the resolutions of the Committee, notice of the altered resolution as to augmentation was promulgated.

The combined effect of facilitating the formation of new districts and extending the augmentation to less populous parishes, brought forward an extent of applications for grants beyond what the Commissioners had anticipated or had the means of meeting; and on the 6th August 1844 they suspended, with some exceptions, until further public notice, the published resolutions respecting augmentation; accompanying that suspension by an assurance that all applications which had been made before a certain date should be taken into consideration so soon as the state of their funds would allow.

This suspension, though necessary from the inadequacy of the funds of the Commission, gave rise to some real hardship and to serious complaint. Those who with the praiseworthy object of relieving spiritual destitution had built churches, had given up the patronage, and had had districts assigned to them in expectation of receiving grants, had to sustain severe disappointment. Considering therefore the strong claim of these parties to assistance, founded on the assurances conveyed to them in 1844, and having in view the paramount importance of securing what the Royal Commission of 1835 specially enjoined, an increase of the number of resident clergy, the Commissioners determined, on the 8th April 1848, to afford to the more urgent cases partial relief; and to appropriate to that object a sum not exceeding 5,000 *l.* per annum. A detail of the measures adopted under the resolution is given in the last Report of the Commissioners to Her Majesty, which was submitted to Parliament in the course of the last Session.

Having thus detailed the measures taken by the Ecclesiastical Commissioners with respect to the augmentation of benefices, from the period of their first appointment up to the present time, they have little to add in explanation or defence of those proceedings.

If the Board has exceeded the limit of distribution laid down by the Commissioners of Inquiry in 1835, that excess at the utmost goes no further than the grants made to benefices with a less population than 500. The amount of the sum annually so expended is 1,569 *l.* only, out of a total sum of 45,805 *l.* annually paid for augmentation of benefices, and the decision to make this limited expenditure was not taken until Parliament had by the 6 & 7 Vict., cap. 37, the Church Endowment Act, made provision not previously anticipated for the spiritual care of populous parishes; and had enabled the Commissioners to create 228 new districts, with large populations, in addition to the 270 populous places to which they had previously assigned assistance out of the common fund.

If, after thus providing for 498 populous parishes or districts, the Commissioners thought it advisable to apply a limited sum to meet the wants of some less populous places, and thereby to secure to them the advantage specially enjoined in the Royal Commission of 1835, of a resident incumbent, the course pursued will not it is hoped be deemed by his Lordship, on reflection, to have been unjustifiable.

It may perhaps be a question whether the Commissioners have properly exercised the discretion confided to them; but their object has been singly to promote the efficiency of the Established Church, and to provide for the cure of souls with special reference to the residence of the clergy on their respective benefices.

That the payments made were small, is unfortunately too true. This objection applies equally to some of the grants made to the most populous places. The minimum of assistance to be given in any case was fixed by a resolution of the Board of the 24th November 1840, at 5 *l.*, and sums under 10 *l.* were assigned to populous districts under the earliest distribution, in order to raise the income to 150 *l.* Such a contribution if not unfit when applied to an income of less than 150 *l.*, must when applied to an income of less than 80 *l.* a year be at least of an equal, if not of a greater value.

Appendix.

Ecclesiastical Commissioners for England.

Benefices.

Augmentation.

Minute of Board on Letter from Lord John Russell.

But it must not be imagined that this provision for smaller districts did not benefit those parishes that were more populous. Many of those districts, though themselves of limited population, were taken out of parishes where the population was large. Of 205 parishes or districts with populations under 1,000, to whom grants in augmentation have been made, 60 are districts taken out of parishes with a population above 5,000; 56 out of parishes with a population above 2,000; and only 37 out of parishes with a population less than 1,000. In these cases, of which some few are annexed as examples, the populous place had the advantage of another resident clergyman within it, and the over-burthened incumbent was thus in many cases relieved from the charge of the more distant portion of his flock, to which, either from distance or other circumstances, it had been impossible for him to pay adequate attention.

The Ecclesiastical Commissioners have thus brought under Lord John's notice the facts and circumstances connected with their administration of the funds committed to them. They are aware that all public bodies, to whom discretion is entrusted, are liable to be called in question for its exercise; and that after a certain lapse of time transactions may appear in a very different light from that in which they were originally viewed. The proceedings of the Commissioners, however, as regards augmentation, have been always known to the public. Their resolutions have on each several occasion been printed and promulgated. Each separate case of augmentation has been submitted to and received the sanction of Her Majesty in Council. The whole of the proceedings of the Commissioners have been specifically stated in the Reports from time to time submitted to Her Majesty, and by Her Majesty's command laid before both Houses of Parliament; and although a Committee of the House of Commons was engaged during two successive years, 1847 and 1848, in examining the management of the Ecclesiastical Commission; and although an Act of Parliament was introduced and passed in the course of the year 1850 to regulate their future proceedings, yet the resolutions of the Board of 1842 and 1843, now for the first time the subject of his Lordship's observation, did not call forth any expression of disapprobation from the Committee, nor was the general administration of the funds applicable to the augmentation of benefices deemed by Parliament to require any interference with that discretion which the law had previously vested in the Ecclesiastical Commissioners.

	Population.			Population.
Admarsh	250, taken out of	Lancaster		24,149
Stone	296 „	Berkeley		4,701
Crook	257 „	Brancepeth		2,157
Keresley	416 „	Coventry		19,521
Newlands	125 „	Crossthwaite		6,778
Stockwith	438 „	Gainsborough		8,766
Rathmel	330 „	Giggleswick		6,726
Callwen	118	Devynnock		3,474
St. Iityd	248 „			
Hagel	213	Kendal		27,188
New Hutton	355 „			
Hook	222 „	Kingston		22,257
Dallaghill	400	Kirkby Malzeard		10,912
Mickley	300 „			
Arkendale	305 „	Knaresborough		13,781
Hewgill	251 „	Sedburgh		7,404
Hutton Roof	319	Kirkby Lonsdale		10,912
Barton	319 „			
Willington	301			

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE, &c. relating to the Spiritual Destitution of the Diocese of Durham, and a proposed Benefaction by his Grace the Duke of *Northumberland*.

Letter from the Duke of *Northumberland* to the Ecclesiastical Commissioners for *England*.

Alnwick Castle, 28 March 1856.

Since the time I succeeded to this estate, I have been desirous of affording and increasing the means of spiritual instruction in the part of the diocese of Durham lying in the county of Northumberland, and especially in those places where I possess property, being there able more effectually to exercise that moral and personal influence which I believe to be necessary in the earlier stages of efforts of this description.

There is great and peculiar spiritual destitution in that part of the diocese of Durham; by which I mean destitution of the means of Divine worship on Sundays; of the visits of the clergy to the sick and dying, and the absence of schools for the religious instruction of children. I have formerly referred to striking instances of this character, where either none or but few of the inhabitants attend church at all, and where the beds of sickness and death have no ministrations from the clergy. I have instanced among others the lamentable spiritual destitution of North Shields, with its own population, and the numerous crews of the vessels frequenting the port. I have also referred to the workers of coal and iron, being in some cases new populations springing up amidst old populations already spiritually destitute. I have also mentioned the fact that I have had several applications, numerously signed, petitioning me for a site on which to build a dissenting chapel, where perhaps not one existed in the parish. Such applications have placed me in this painful position,—if I consented to grant them I should establish a chapel of dissent, where there had hitherto never been one; while, if I refused, I should perhaps be the means of preventing many persons attending any religious worship whatever.

I have anxiously considered the best mode of commencing a remedy for this truly deplorable state of things; and although painfully aware how little of this great and absolutely necessary work a man can hope to accomplish in a lifetime, I am encouraged by the reflection that an earnest endeavour made with the assistance of the Ecclesiastical Commissioners at this particular juncture, may lay a good foundation to be continued and improved upon in succeeding generations.

With this view, I am ready to meet the Ecclesiastical Commissioners half way, in providing the means of annually increasing the number of working clergy, which I am convinced is the very best mode of dealing, in the first instance, with the evils I have so slightly referred to.

I beg therefore to propose to the Ecclesiastical Commissioners, that they shall for the next four years contribute 2,500*l.* a year; and that I shall for the same period contribute 2,500*l.* a year; and that the joint fund of 5,000*l.* a year shall each year be applied in adding a working clergyman to a specific district to be selected by me, in that part of the diocese of Durham which is situate in the county of Northumberland; and if after the expiration of four years, the Ecclesiastical Commissioners should be willing to continue the contribution, I shall be ready to do the same. In conclusion, I earnestly beg the Ecclesiastical Commissioners to entertain this proposal favourably. The time at which I make it is peculiarly appropriate, and many would, I feel convinced, take encouragement from such a line of conduct on the part of the Ecclesiastical Commissioners, and would be stirred up to make similar efforts.

I have, &c.

(signed) *Northumberland.*

Appendix.

Ecclesiastical Commissioners for England.

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Benefaction by the Duke of Northumberland.

LETTER from the Secretary to the Duke of *Northumberland*.

My Lord, 11, Whitehall-place, 16 April 1856.

THE Ecclesiastical Commissioners for England have had before them the proposal contained in your Grace's communication of the 28th ultimo, with reference to making better provision for the pastoral superintendence of that portion of the diocese of Durham which is situate in the county of Northumberland; and I am directed in reply to explain to your Grace that, by the Act of the 6th & 7th Vict. c. 37, commonly called Sir Robert Peel's Act, the increments of income which would, under the Cathedral Acts, have accrued to the Commissioners, have been anticipated for a period which has not yet expired, and hence that they can only express their high sense of the liberality of your Grace's offer, and their regret that the present condition of the fund under their control is such as to preclude them from co-operating with you in so important and beneficial an arrangement as that which you have had in contemplation.

I have, &c.

(signed) *James J. Chalk.*

LETTER from the Duke of *Northumberland* to the Secretary.

Sir, Northumberland House, 26 April 1856.

I BEG to acknowledge the receipt of your letter of the 16th instant, written to me by the direction of the Ecclesiastical Commissioners for England, and I am truly sorry that I cannot have the co-operation of the Commissioners in the important objects referred to in my letter to them of the 28th ultimo.

As, however, I observe from your letter that the difficulty on the part of the Commissioners arises from their income having been anticipated, I have determined to trouble them again, in order to renew, in part, the offer I made to them in 1850, and which offer was declined by them in letters written by you to me, dated 30th December 1850 and 9th January 1851.

As the modified offer I am now about to make will entail but a trifling present charge on the income of the Commissioners, I trust it may be accepted. I beg, therefore, now to make the following offer:

That I shall give - - - - - - - - - -	£. 16,000
That the Ecclesiastical Commissioners for England shall give	16,000
	£. 32,000

Such 32,000 *l.* to be paid down at once, and invested so as to carry interest, and to be applied from time to time, in the manner and for the purposes mentioned in my letter of the 28th ultimo. By way of facilitating the acceptance of this offer by the Ecclesiastical Commissioners, I am willing at once to advance them the 16,000 *l.* to be given by them (as well as my own 16,000 *l.*) at 4 *l.* per cent. interest, the principal to be repaid to me at such times as the Commissioners and I may arrange, with reference to their reasonable convenience.

Your, &c.

(signed) *Northumberland.*

LETTER from the Secretary to the Duke of *Northumberland*.

My Lord Duke, 11, Whitehall-place, 8 May 1856.

I HAVE the honour to acquaint your Grace that your letter of the 26th ultimo was this day laid before the Board of the Ecclesiastical Commissioners for England, and that the subject of that letter will receive a further and careful consideration by the Commissioners at the earliest opportunity, and the result will be made known to your Grace.

I have, &c.

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

EXTRACT from REPORT of ESTATES COMMITTEE, held Thursday, 5th June 1856.

Adopted at General Meeting, held 12th June 1856.

THE Committee having given to the letter of the Duke of Northumberland, referred to them by the Board of the 8th ultimo, their most anxious consideration, have now the honour to report on his Grace's munificent proposal for the endowment or augmentation of benefices in the county of Northumberland, especially in places connected with his own estates.

On a former occasion, the Duke offered a benefaction of 2,500 *l.* yearly, so long as the Commissioners should meet the same with grants of equal amount; and it having been explained to his Grace that the Commissioners had not at their disposal the means of accepting this proposition, he now offers a benefaction of 16,000 *l.* in gross, to be met equally by the Commissioners, and in order to facilitate their doing so, expresses his willingness to advance to them, by way of loan, the 16,000 *l.* they would require for the purpose.

It is difficult to appreciate too highly the liberal feeling evinced by the Duke's proposition, or the importance of increasing the means of religious instruction in some of the places he has in view, which are not only ill-endowed, but contain large and growing populations.

It is also the opinion of the Committee that it is most desirable for the general and permanent interests of the Church that the Commissioners should give every encouragement in their power to the liberality of individuals, who, like his Grace, are ready with their private means to promote, by contributing towards the endowment of poor benefices or the creation of new ones, the objects for which the Commission was constituted.

In considering the present proposition, the Committee felt it to be imperative upon them to have special reference, on the one hand, to the actual condition of the common fund, and, on the other, to the circumstances in which the Commissioners stand in relation to other applications for grants already before them.

On the first point the Committee have to observe, that there is not yet a surplus of the fund available for general augmentation purposes, and that though, after 12 years' deficiency, there will in all probability be at the end of the current year a small balance so available, its amount cannot be expected to exceed for the first year 4,000 *l.* or 5,000 *l.*

But before the disposal of any such surplus is determined upon, it will, as the Committee conceive, be necessary for the Board to consider and adopt certain general rules, involving amongst other things the following questions:

1. What amount of the estimated surplus should be disposed of within the year?
2. What should be the minimum and maximum grant in any particular case?
3. Whether in all, or any, and which of the cases they should require a contribution from other sources to meet the grant, and if so, in what proportion?
4. Whether a priority should be given on account either of the poverty or the population of a parish or district, and if so, under what conditions or limitations?
5. Whether the balance so applicable should be treated as permanent income, and so granted as to become an annual charge upon the common fund equal to the amount of such balance, or whether it shall be treated as capital, of which the interest only shall constitute the annual augmentation?

But having regard to the uncertain character of the accretions to the common fund, and the heavy liabilities already thrown upon it, the Committee feel it their duty to suggest, that great inconvenience might result from the Board's dealing with any surplus income at present, otherwise than by converting it into grants of capital sums.

For the same reasons the Committee are still less able to recommend an additional mortgage on the common fund, by accepting a loan, as proposed by the Duke of Northumberland.

On the other point referred to above as an essential element in the consideration of his Grace's proposal, the Committee have to report, that there are registered in the office nearly 2,000 cases of applications for grants awaiting consideration, and that there are connected with them offers of benefactions representing, in the aggregate, a gross sum little short of 200,000 *l.*

It appears, therefore, to the Committee, first, that the Duke of Northumberland's proposal cannot be entertained whilst there is no actual surplus income disposable by the Commissioners; and secondly, that when the small expected surplus does arise, his Grace's proposal can only be considered jointly with others already referred to, and under such general rules and regulations as the Board may think fit to adopt.

The Committee accordingly recommend, that the Board should convey to his Grace their grateful acknowledgments of this additional proof of his munificent intentions to co operate with the Commissioners for the benefit of the Church, and their regret that, for the reasons stated in this Report, they are unable at present to entertain his proposal. The Committee further suggest, that his Grace should be informed, that when the Commissioners have a surplus income to dispose of, they will only be able to consider his proposal jointly with

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others of a similar character, and under such general regulations as may be framed by the Board, and of which his Grace shall receive the earliest information.

The Committee are not yet prepared to submit to the Board any code of regulations for their consideration, but hope that they may be able to do so at the first general meeting after the recess.

LETTER from the Secretary to the Duke of *Northumberland.*

My Lord Duke, 11, Whitehall-place, 13 June 1856.

I AM directed by the Ecclesiastical Commissioners for England to acquaint your Grace, that they have most fully and deliberately considered your renewed proposal, upon the subject of providing additional spiritual supervision within the county of Northumberland, and I am to transmit to you the accompanying copy of a Report upon the question which was presented by the Estates Committee to the general meeting of the Board held yesterday.

After a further careful discussion of the circumstances, the Board felt themselves compelled to adopt the suggestions of this Report; and I am again to offer the expression of their deep regret that they have been under the necessity of coming to a decision adverse to the acceptance of your Grace's munificent offer.

I have, &c.

(signed) *James J. Chalk.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

Durham Diocese.

Spiritual Destitution.

Memorandum by Archdeacon of Durham.

MEMORANDUM submitted to the SELECT COMMITTEE on the ECCLESIASTICAL COMMISSION by the Archdeacon of *Durham.*

THE condition of the archdeaconry was communicated to the Ecclesiastical Commissioners by a memorial from the clergy in 1853; the reply states the legal difficulties of the case, and we respectfully ask that these may be removed, and the Ecclesiastical Commissioners enabled and required to provide for local claims before the funds arising in this diocese are given to other objects.

The population is very great, quite beyond the strength of the Church as it is now applied and distributed; the parishes are extensive, and a large addition to the number of the clergy, and to our parochial endowments, is required.

We venture to submit that the wealth produced by the skill, capital, and labour of our people in the mines and manufactories may reasonably be employed, in the first place, for the use and benefit of the diocese of Durham.

To place Durham in working order demands large sums, as well as a skilful and judicious application of them. I must not presume to mention what, in my mind, is wanted, and only call your attention to a few cases.

Durham; two churches wanted from recent changes.
Chester-le-Street, a wide and populous parish, with its endowed districts.
Gateshead.
South Shields.
Auckland.
Brancepeth.
Lanchester.
Hartlepool.

The circumstances and demands of all these are known to you, and I do not trouble you with particulars.

If you allow me to travel into Northumberland, I may mention—

Newcastle and its neighbourhood, the tithes of which, with those of Newburn, are in the Bishop and Chapter of Carlisle, but where some 50,000*l.* may well be employed.
Bedlington.
North Shields.
Holy Island and its dependencies.
Eglingham and the annexed archdeaconry.

In

In many cases the owners of tithes and other proprietors, patrons also, under liberal arrangements with the Ecclesiastical Commissioners, may desire to contribute to buildings and endowments.

Into general arrangements I do not enter; but I would respectfully point out to you the need to this shifting and uncertain population of an open fund applicable to temporary services and ministrations at the discretion of the Bishop, assisted by his Archdeacons or other ecclesiastical officers. This is attempted partially, and inefficiently, by societies; but I submit that the charge and responsibility should rest with the Bishop, under advice as to circumstances and details.

Memorandum by Archdeacon of Durham.

The management of ecclesiastical property, a large portion being first assigned to those persons for whose support it is designed in glebes and rentcharges, what remains will best be left to the care of chapters and bishops, with a check upon each other, subject to a Central Board in London.

The introduction of another element might produce confusion, jealousies, and indifference.

I submit these few observations with much deference, and shall be glad to furnish any information in my power which may be useful to the Committee.

(signed) *Charles Thorp*,
Archdeacon of Durham.

J. R. Mowbray, Esq., M. P.

The Archdeacon of Durham desires to add, that in some cases chapels of ease, consecrated and in poor parishes endowed, in others chapels not consecrated, but licensed by the Bishop, may stand in the place of more expensive establishments.

C. T.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

CORRESPONDENCE between the Archbishop of York and *William Brodrick*, Esq., relating to the Renewal of the Lease of the Tithe Rentcharge of Whitby Parish, and the Spiritual Destitution of that Parish.

York Archbishopric Estates.

Whitby Parish.

As to Renewal of Lease of Tithes, and Spiritual Destitution of Parish.

LETTER from Mr. *Brodrick* to the Archbishop of *York*.

My Lord Archbishop, 35, Great Ormond-street, January 1856.

Whitby Tithes.

I have, in company with Mr. Baxter of Westminster, called at the office of the Ecclesiastical Commissioners, and had a long discussion with Mr. Chalk.

It appears that the Commissioners entirely ignore the claims of the parish of Whitby, until the property falls into their hands, upon the expiration or surrender of the lease; but Mr. Chalk distinctly states, that the Commissioners will take no steps towards a renewal of the lease, unless it should be proposed to them by your Grace.

The proposal being, therefore, left entirely in the discretion of your Grace, we feel that the appeal made from the parish of Whitby, and embodied in the petition which was forwarded to Bishopthorpe, will meet with every consideration at your Grace's hands, and that no step will be taken for the renewal of the lease.

The case of Whitby is one almost without precedent, as regards the spoliation of the church, a rentcharge of 2,800 *l.* a year being paid from the parish, whilst not one-tenth of that sum is contributed to the spiritual or pastoral superintendence of the people.

It is a case so cruel, that we cannot but think an appeal to the Legislature, for a special Act to apportion out of this rentcharge a proper maintenance for the clergy, would be successful. May we ask, if we might reckon upon your Grace's support, in case such an Act should be applied for?

Mr. Baxter tells me, that upon the last renewal of the Doncaster tithe lease, instead of the payment of a gross sum by the lessees, a rent of 200 *l.* a year by way of augmentation of the vicarage was made part of the terms of renewal; and if Mr. Yeoman had any legal right to demand a renewal of the Whitby lease, we are sure your Grace's regard for the spiritual destitution of Whitby would lead you to insist upon a similar arrangement, as regards that place, as was made in the case of Doncaster, by annexing yearly rents as

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York Archbishopric Estates.

Whitby Parish.

As to Renewal of Lease of Tithes, and Spiritual Destitution of Parish.

augmentations to the several churches in the parish, in lieu of the payment of a gross sum by way of fine.

But we submit to your Grace, as the result of a careful study of the Acts and the Report of the House of Lords, that there is no clause in any Act which recognises the necessity for a renewal, and that the passage quoted by the Commissioners in their reply to Mr. Blanchard, from the Lords' Report upon Episcopal and Capitular Revenues in 1851, to the effect, that any lessee having at that date an unexpired term of less than 21 years, should be allowed the value of one more renewal, is clearly applicable only to the case of a lessee purchasing the reversion, or surrendering his lease upon an exchange, and is in nowise applicable to the present case of Whitby.

I have, &c.
(signed) *Wm. Brodrick.*

P.S.—I regret to trouble your Grace at present, having hoped that the memorial, at the Ecclesiastical Board would have remained until your Grace is in town, to be then taken up, Mr. Chalk being aware that such an understanding had been come to, that I should then see your Grace on the subject.

W. B.

LETTER from the Archbishop of *York* to Mr. *Brodrick.*

Dear Sir, Bishopthorpe, York, 21 January 1856.

No one can be more anxious to see the parish of Whitby well provided for, out of the Ecclesiastical Revenues thence derived, than I am; but the lessee has a sort of vested right in those revenues, and I do not see with what justice a renewal can be refused to him, if applied for on his part, and if the law (as usually interpreted) allow such renewal. It is not for me in this, or in any case, to propose a renewal. All that I have to do is, to refuse or sanction the application. Neither refusal nor sanction has, in reality, any binding force; and after all, the decision is left, in express words, to the Ecclesiastical Commissioners. I have not now, as formerly, any sort of personal or pecuniary interest in the renewal; nor, as I believe, any voice in fixing the terms of renewal.

The case of Doncaster, at the time of the last renewal, was peculiar, and it affords no parallel for Whitby. Though I heartily wish an immediate augmentation could be given to the latter now, or at some early date. But in doing one act of tardy justice, we must be careful not to commit an act which may lean another way.

I am, &c.
(signed) *T. Ebor.*

LETTER from Mr. *Brodrick* to the Archbishop of *York.*

My Lord Archbishop,

I BEG to express my regret that your Grace should think the lessee of the Whitby tithes has either the appearance of a vested right or of a legal, equitable, or moral claim to the renewal of his lease, if he should apply for one.

I can find nothing to countenance such a claim; the Commons' Report of 1850 absolutely negatives all renewals of rentscharge; and the Lords' Report of 1851, referred to in the 17 and 18 of the Queen, only gives a sanction to the consideration of one renewal "on sales or exchanges;" and that report makes special reference to leases which may have been sold at considerably higher value as compared with the fee; the latter fact does not exist here.

On the equitable and moral ground of right to renewal, the memorialists consider that the long possession of a lease, enormously profitable to the lessee, is a negative to its concession; and we think it our duty to apprise your Grace that such is and has long been the strong feeling of the inhabitants of the parish of Whitby, who are aware that the enormity of the renewals was brought before the public and your Grace's predecessor in a pamphlet published by the late Mr. Moorsom, of Whitby, in the year 1837.

The only ground of opposition I had anticipated was in the circumstance of the episcopal income, which your Grace has removed; and I yet trust that, on reconsideration, the paramount claims of the Church will not be yielded to the unfounded claims of a lessee; and I venture to add my personal testimony to the fact, that any renewal, unless by way of rent for the whole renewed period of 21 years in favour of the churches in the parish, will be most unpopular. Mr. Yeoman has borne the blame, and consequent reproach of the town, for the state of the churches these many many years, and, to add to the cause of this reproach will be unfair towards the Established Church itself.

It is true, the proposal for a renewal will come from the tenant, but the Ecclesiastical Commissioners assure us that they do not negotiate renewals, but leave such negotiations to your Grace, and (perhaps) checking the terms.

If a renewal were, therefore, inevitable, which we think is clearly not the case, it would be in the power of your Grace to see that the terms of renewal are such as will augment the

the stipend of the churches of Whitby, instead of being for a gross sum to be paid to the Ecclesiastical Commissioners.

But may we urge upon your Grace the question we took the liberty of putting in our former letter, will your Grace let us have your support in Parliament to a Bill for doing what your Grace so well expresses, "an act of tardy justice to the parish of Whitby?"

(signed) *Wm. Brodrick.*

LETTER from the Archbishop of *York* to Mr. *Brodrick.*

Dear Sir, Bishopthorpe, York, 23 January 1856.

With every desire that I have for the spiritual good of the parish of Whitby, I really must not give you the pledge you require, viz., to support an application to Parliament for regulating the distribution of the tithes of Whitby, till I see and have considered the Bill to be proposed.

I hope to be in London early in February.

I am, &c.
(signed) *T. Ebor.*

LETTER from the Archbishop of *York* to Mr. *Brodrick.*

Dear Sir, 41, Belgrave-square, 14 February 1856.

On my arrival here last night I found that you had called and left your address. In any matter relating to Whitby, I must beg that all communications may be in writing, and pass through Mr. Gray's hands, to whom I should submit everything sent to me, and without whom I really can give no opinion, though, in all other respects, I am glad of an opportunity of personal conference with yourself.

I am, &c.
(signed) *T. Ebor.*

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

ORDER in Council ratifying the Scheme for substituting a Money Payment for the Estates of the Dean and Chapter of Gloucester.

At the Court at Buckingham Palace, the 26th day of June 1855.

Present,—The Queen's Most Excellent Majesty in Council.

Whereas the Ecclesiastical Commissioners for England have, in pursuance of an Act passed in the Session of Parliament held in the third and fourth years of Her Majesty's reign, intituled, "An Act to carry into effect, with certain modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues," and of another Act passed in the Session of Parliament held in the fourth and fifth years of Her Majesty's reign, intituled, "An Act to explain and amend two several Acts relating to the Ecclesiastical Commissioners for England;" and of another Act passed in the Session of Parliament held in the fifth and sixth years of Her Majesty's reign, intituled, "An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence," duly prepared and laid before Her Majesty in Council a scheme, bearing date the fourteenth day of June, in the year one thousand eight hundred and fifty-five, in the words and figures following, that is to say: "We, the Ecclesiastical Commissioners for England, in pursuance of an Act passed in the Session of Parliament held in the third and fourth years of your Majesty's reign, intituled, 'An Act to carry into effect, with certain modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues;' and of another Act, passed in the Session of Parliament held in the fourth and fifth years of your Majesty's reign, intituled, 'An Act to explain and amend two several Acts relating to the Ecclesiastical Commissioners for England;' and of another Act, passed in the Session of Parliament held in the fifth and sixth years of your Majesty's reign, intituled, 'An Act to alter and amend the Law relating to Ecclesiastical Houses of Residence,' have prepared, and now humbly lay before your Majesty in

Appendix.

Ecclesiastical Commissioners for England.

Gloucester Chapter Estates.

Commutation.

in Council, the following scheme for substituting a money payment for certain property belonging to the Dean and Chapter of the Cathedral Church of Gloucester:

"Whereas it was, by the said recited Acts enacted and declared, that, by the authority of a scheme prepared by us, and ratified by an Order of your Majesty in Council, and for the purpose of fully carrying into effect any of the provisions of the said first-recited Act, any sum of money which should have been invested in the public funds, or in other security or securities, in trust for any ecclesiastical body corporate, aggregate or sole, might, upon application, in writing, to the Ecclesiastical Commissioners for England, under the hand and seal of such body corporate, and in the case of any Chapter, with the consent of the visitor thereof, be directed to be sold, and the same should be sold accordingly, and that the produce of such sale should be applied to such purpose and in such manner as should appear most conducive to the permanent benefit of such body corporate; and also that for any like purpose any arrangement might be made, with the consent, in writing, under the corporate seal of any Chapter, for the sale, transfer, or exchange of any lands, tithes, or other hereditaments belonging to such Chapter, or for the purchase of other lands, tithes, or other hereditaments in lieu thereof, or for substituting, in any case, any lands, tithes, or other hereditaments, for any money payment, or any money payment for any lands, tithes, or other hereditaments; and that the aforesaid provisions relating to the sale and application of any sum of money invested in trust for any ecclesiastical body corporate, did and should include and apply to all moneys, and securities for money, and to all stock in the Government funds or elsewhere, standing in the name of the Accountant-general of the Court of Chancery, or in the name or names of any other public officer, or of any individual or individuals, for or to the credit of, or in trust for any Bishop, Dean and Chapter, Dean or Canon, whether for the purpose of being laid out in land or otherwise:

"And whereas the said Chapter now consists of a dean and four canons, two canonries having been suspended under the provisions of the said first-recited Act:

"And whereas the said Dean and Chapter are now seised in fee of divers manors, lands and tithes and hereditaments, the whole or the greater part of which have been heretofore demised on leases for years or lives at small annual reserved rents, and upon payment of fines, and they are also beneficially interested in, or otherwise entitled to, certain sums of stock and cash invested or held in trust as aforesaid, and particularly described in the Schedule hereunto annexed, marked (A.):

"And whereas by an order and decree of the said Dean and Chapter, bearing date the third day of May One thousand eight hundred and fifty-five, and duly confirmed as a statute by their visitor, and registered in the registry of the diocese, it was provided that one moiety of the yearly sum of Eight thousand four hundred and sixty pounds, hereinafter mentioned, or of the net annual proceeds of the estates which may be substituted for the same, should be appropriated to or for the several persons or objects connected with the said Dean and Chapter, and enumerated and set forth in the Schedule hereunto annexed, marked (B.):

"And whereas one of the purposes of the said Acts is to provide a fund for making better provision for the cure of souls, and the said Dean and Chapter have proposed to us, with the consent of their visitor, that the said manors, land, tithes, tenements, and hereditaments (except as hereinafter excepted), should be dealt with in manner hereinafter mentioned; and we are of opinion that it would ultimately conduce, as well to the improvement of the said fund, as to the permanent benefit of the said Dean and Chapter, that the same should be dealt with accordingly:

"Now, therefore, with the consent of the Dean and Chapter of the Cathedral Church of Gloucester, and of the Right Rev. James Henry Bishop of Gloucester and Bristol, as Visitor of the said Dean and Chapter, testified by their having hereunto affixed their respective corporate seals, we humbly recommend and propose, that in consideration of the money payments hereinafter mentioned to be paid by us, to or on account of the said Dean and Chapter, and of our relinquishing all our right and claim in respect of the said suspended canonries, to and in the estates and property to be retained by the said Dean and Chapter, and to any participation in the rents and profits thereof, or in the money payments hereinafter mentioned, or the estates to be substituted for the same, all the manors, lands, tithes, tenements, and hereditaments, which now belong, either in possession or reversion, to the said Dean and Chapter (excepting any right of ecclesiastical patronage, and any property situate within the precincts of the said cathedral church, and excepting also the lands, tenements, and hereditaments described in the Schedule hereunto annexed, marked (C.), and all the estate and interest therein of the said Dean and Chapter, shall, upon, and from the day on which any Order of your Majesty in Council, ratifying this scheme, shall be duly published in the London Gazette, and without any other conveyance or assurance in the law, become and be transferred to and vested in us, and our successors, and that we and they shall thereupon become and be absolutely seised of the same in fee, and shall be entitled to the rents, profits and proceeds, thereof, as from the First day of January One thousand eight hundred and fifty-five; and that in consideration of and for such transfer and conveyance, we shall surrender all right, and be excluded from all participation in respect of the said suspended canonries, to and in the property to be excepted from such transfer to us as aforesaid, and that there shall on the first day of January, and the first day of July in every year, be paid by us to the said Dean and Chapter, in respect of the half-year then last past, the

the sum of Four thousand two hundred and thirty pounds, and also until the said dean and chapter shall have been put into possession of real estates as hereinafter mentioned, the further sum of One hundred and seventy pounds (such last-mentioned sum to be by them appropriated and paid to the chapter clerk for the time being, in respect of the profits which would have accrued to him on account of the management of the estates hereby proposed to be transferred to us), and that the first payment of each of such half-yearly sums respectively be made on the first day of July next, and that the receipt or receipts of the treasurer for the time being of the said dean and chapter, shall be a good and valid discharge to us for all or any and every such sum or sums of money as shall therein be expressed to have been paid to him by us, under the authority of this scheme, when ratified as aforesaid.

"And we further recommend and propose, that none of the moneys or estates to be received or acquired under the provisions of this scheme shall be applicable to the purposes of our Common Fund (except only so far as it may be necessary to reimburse such fund any advances made thereout, under the provisions of this scheme), until or unless by and under the like authority the said dean and chapter shall have been put into possession in fee-simple of real estates (of which not more than one-fourth part shall consist of tithes, or tithe rent-charges) sufficient to secure to the said dean and chapter a clear annual income therefrom (after deducting rates, taxes, and other outgoings, including costs of management) of Eight thousand four hundred and sixty pounds, free from any claim by us on account of the shares to which we may be entitled in respect of suspended canonries, subject, however, as well to the charges and outgoings hereinbefore mentioned, as to all other capitular liabilities, except the hereinbefore-mentioned payment of Three hundred and forty pounds per annum to the chapter clerk.

"And we further recommend and propose, with the like consent of the said dean and chapter and of their visitor, that the said sums of stock and cash so described as aforesaid in the said schedule, marked (A.) shall, as soon as conveniently may be after the gazetting of such order as aforesaid, be sold out or transferred, and the same or the proceeds thereof be paid or carried to our account at the Bank of England, to be applied towards the objects of this scheme, and particularly to investment in the purchase of any interest in the estates herein proposed to be transferred to us, or any or either of them, or of any other real estates.

"And we further recommend and propose, that nothing herein contained shall prevent us from recommending and proposing any further or other measures relating to the matters aforesaid, in conformity with the said Acts, or either of them, or of any other Act of Parliament.

"Schedule (A).

"The sum of One hundred and seventy pounds, Three pounds per centum Consolidated Bank Annuities, standing in the names of John Aubrey Whitcombe and Henry Hooper Wilton, being the proceeds of a sale of certain lands, which was effected by the said dean and chapter under the powers of an 'Act for establishing a proper place for holding Markets and Fairs for the Sale of Live Stock in the City of Gloucester and the suburbs thereof, and for opening convenient Avenues thereto, and for Watching and otherwise improving the said City.' The sum of two thousand eight hundred and fifteen pounds and two-pence like annuities, standing in the name of the Accountant-general of the Court of Chancery, *ex parte* the said Dean and Chapter of Gloucester and the Gloucester and Dean Forest Railway Company.

"The sum of Two hundred and fourteen pounds six shillings and two-pence like annuities, standing in the names of the Rev. Francis Jeune, Doctor of Civil Law, and of the said John Aubrey Whitcombe, as trustees appointed under the powers of the Aberdare Railway Act.

"The sum of Six hundred and forty-four pounds, nineteen shillings and nine-pence like annuities, standing in the name of the said John Aubrey Whitcombe, as administrator of the survivor of Thomas Mee, and Samuel Whitcombe, being the proceeds of a sale to the Gloucester and Berkeley Canal Company, of copyhold lands, forming part of an estate held of the said dean and chapter as lords of the manor of Tuffley, for three lives, one of which survives, and is entitled during the life of himself and his widow, to the dividends to accrue on the said sum.

"The sum of Three hundred and seventy-four pounds six shillings and two-pence, like annuities, standing in the names of the said Francis Jeune, Doctor of Civil Law, the said John Aubrey Whitcombe, and Edwin Payne, being the consideration money paid under the authority of the Act nine and ten Victoria chapter seventy-three, for the redemption of the rent-charge, in lieu of the tithes of the parish of Chipping Norton, in the county of Oxford.

"The sum of Fifty-nine pounds fifteen shillings and three-pence, Three pounds per centum Reduced Bank Annuities, standing in the names of the Commissioners for the Reduction of the National Debt under the title 'An Account of the Sale of the Land Tax,' being the proceeds of various sales of property effected under the powers of the Land Tax Redemption Acts.

Appendix.

Ecclesiastical Commissioners for England.

Gloucester Chapter Estates.

Commutation.

"The sum of One hundred and ninety-three pounds fourteen shillings and five-pence cash, or such other sums as may be due in respect of unpaid dividends upon the last-named and upon former balances of stock standing in the name of the said Commissioners for the Reduction of the National Debt.

"The sum of One hundred pounds cash, in the hands of Charles Frederick Sage and of the said John Aubrey Whitcombe, being the proceeds of a sale of land to the Cheltenham and Great Western Railway Company.

"The sum of One hundred and five pounds cash, in the hands of the treasurer of the said cathedral church, being the proceeds of a further sale of land to the Gloucester and Dean Forest Railway Company.

"The sum of Seventy-two pounds six shilling and three-pence cash, in the hands of the said treasurer, being the proceeds of a sale of land to the Herefordshire and Gloucestershire Canal Company.

"The sum of One thousand two hundred and thirty-two pounds eight shillings and four-pence, Three pounds per centum Consolidated Bank Annuities, standing in the names of the Right Honourable Henry Thomas Earl of Chichester, John George Shaw Lefevre, Esquire, and the Right Honourable Henry Goulburn, being the proceeds of certain moneys paid to them as Church Estates Commissioners, for estates sold by the said dean and chapter, under the powers of the Act fourteen and fifteen Victoria, chapter one hundred and four, and of the Act seventeen and eighteen Victoria, chapter one hundred and sixteen.

"The sum of One hundred and twenty-five pounds, cash, in the hands of the said treasurer, being the proceeds of a sale of land to the Governors of the Gloucester Lunatic Asylum.

"SCHEDULE (B.)

"FOR the repair, restoration, maintenance, and improvement of the fabric of the cathedral, of the grammar-school, of the houses of minor canons and other ministers, officers, and servants of the cathedral, not being the residentiary houses of the dean or any of the canons, for the statutable stipends and allowances to the deans and canons, and the usual and accustomed allowances and payments to the sub-dean and treasurer, for the stipends and allowances to the minor canons and other ministers, officers, and servants of the church, for the grammar-school, the choir, and library, for providing and repairing the church furniture, for lighting, watching, and otherwise for the care, management, and improvement of the precincts, and all other expenses connected with the cathedral and with the services of the church, and for subscriptions and donations to schools and other charitable objects.

"SCHEDULE (C.)

"ALL that messuage or tenement, with the out-buildings, garden, and two closes of ground adjoining thereto, containing in the whole five acres, one rood, and six perches, or thereabouts, situated in the hamlet of Kingsholm, and parish of St. Catherine, near the city of Gloucester, now in the occupation of Thomas Slater, his executors, administrators, or assigns, or his or their under-tenants, by virtue of a lease, dated the twenty-seventh day of November one thousand eight hundred and forty-five, granted by the said dean and chapter for a term of 21 years, subject to annual reserved rents of two pounds and four shillings and three pounds and ten shillings."

And whereas the said scheme has been approved by Her Majesty in Council: Now, therefore, Her Majesty, by and with the advice of Her said Council, is pleased hereby to ratify the said scheme, and to order and direct that the same and every part thereof shall be effectual in law, immediately from and after the time when this order shall have been duly published in the London Gazette, pursuant to the said Acts; and Her Majesty, by and with the like advice, is pleased hereby to direct that this order be forthwith registered by the registrars of the two several registries of Gloucester and Bristol, at Bristol and at Gloucester.

ECCLESIASTICAL COMMISSIONERS FOR ENGLAND.

RETURN of all EXPENSES incurred by the COMMISSIONERS in Opposing PRIVATE BILLS in their passage through Parliament, distinguishing those cases in which the opposition has not been persisted in, and stating separately the expenses of each case.

(*See* Question No. 3033, page 219, of the First Report of Committee on Ecclesiastical Commission, &c.)

SESSION when Bill introduced.	NAME OF BILL.	NATURE AND RESULT OF OPPOSITION.	COSTS. £.	s.	d.
1846	Rye and Derwent Drainage Bill -	Opposition not persisted in, clauses protecting the Commissioners' interest being inserted in the Bill.	414	7	7
„	Midland (Claycross and Newark) Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	18	9	–
„	Aylesbury and Thame Junction Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	22	4	4
„	Malton and Driffield Junction Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	64	5	10
„	London and Bristol and South Wales Direct Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	13	8	–
„	Midland Extension Railway Bill	Opposition not persisted in. Protective clauses inserted in Bill.	13	8	–
„	Hull and Lincoln Direct Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	30	4	2
„	Somersetshire Midland Railway Bill	Opposition not persisted in. Protective clauses inserted in Bill.	13	11	4
„	Manchester, Buxton and Midland Junction Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	13	8	–
„	South Staffordshire Railway Bill	Opposition not persisted in. Protective clauses inserted in Bill.	14	14	8
„	Buckinghamshire Railway (Tring to Banbury) Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	13	18	2
„	Shrewsbury and Birmingham Railway Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	15	5	8
„	The Leeds and Thirsk Railway, Knaresborough Branch, Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	13	16	–
„	Wolverhampton Cemetery Bill -	Opposition not persisted in. Protective clauses inserted in Bill.	24	5	2
1847	Harrogate Branch Extension and Terminus Bill.	Opposition not persisted in. Protective clauses inserted in Bill.	107	15	5
1849	North Staffordshire Railway Bill	Opposition not persisted in. Protective clauses inserted in Bill.	26	14	–
1853	Shadwell Estate, London Dock Company's Bill.	Petition presented in concert with the beneficial lessee for the introduction in Bill of protective clauses, which were, however, upon hearing not allowed.	157	10	6
„	London and North Western Railway Company, Highgate Branch Bill.	Petition presented, and withdrawn upon agreement being executed, securing interests of the Commissioners.	18	18	6
„	East and West India Docks and Birmingham Junction Railway Company Bill.	Bill petitioned against to protect building land of Commissioners and lessees, and thrown out.	425	13	8
1854	Camden Town Cemetery Bill -	Petition presented, but opposition not persisted in, upon insertion of clauses proposed on behalf of the Commissioners.	25	2	6
„	Yeovil Improvement Bill - -	Petition presented, but opposition not persisted in, upon insertion of clauses proposed on behalf of the Commissioners.	33	14	6
		TOTAL - - £.	1,480	15	–

11, Whitehall Place, 3 June 1856.

Appendix.

Church Estates Commissioners.

Statement of Mr. L. L. Clark.

CHURCH ESTATES COMMISSIONERS.

STATEMENT of Mr. *Luttrell Lewin Clark*, as to sufficiency of Enabling Powers given to Trustees under section 3 of the Act 17 & 18 Vict. c. 116, in conclusion of his Evidence given on the 23d May.

Recurring to Mr. Butt's question (No. 4673), I beg to state that I still remain of opinion that the Act of 1854 does not meet the case I suggested.

I am supported in that conclusion by the opinion of Counsel obtained since my last examination.

The question is one not capable of being disposed of by general principles.

It is determined by the statute.

Under the statute the "legal" trustee cannot effect the object; for the trustee, being a bare trustee, he is clothed with no powers or trusts.

The equitable trustees, in whom under the "limitations of the settlement," the power resides, have not got the legal estate.

In the case instanced by me the trustee, having the bare legal estate, cannot vest it by conveyance in the equitable trustees (who possess the powers), because there are prior and intervening rights and interests in third parties.

The case of a mortgagee being the assign of the trustee of the legal estate, would supply another example of the inefficiency of the present clause. I beg to subjoin the original Clause 3, with its proposed alteration, as inquired for by the Chairman, in his question No. 4678; it was settled by Counsel.

It is deemed inadvisable to refer to a particular trustee, or to a particular instrument; but, on the contrary, it is considered best to enable trustees generally.

Trustees of will or settlement may raise money for enfranchisement.

Clause 3. In any case in which any estate or interest, under any lease or grant made by any such Ecclesiastical Corporation, may be vested in any person or persons as a trustee or trustees, whether expressly or by implication of law, with power to raise money for the purpose of procuring a renewal of such lease or grant, it shall be lawful for such person or persons to raise money for the purpose of purchasing the reversion of or otherwise enfranchising the property comprised in such lease or grant, and to apply the same accordingly, in the same manner and subject to the same conditions, *mutatis mutandis*, so far as the same may be applicable to the case, as such person or persons might by virtue of such power have raised money for the purpose of renewing such lease or grant, and have applied the same accordingly.

Exceptional cases.

It is submitted that the enfranchising powers should be compulsory on the Commissioners in some instances, *e. g.*, where the mansion, park, and demesne are freehold, and the leaseholds are of smaller value, and greatly intermixed with the freehold estate, and to a great extent indefinable as to locality, boundary, and quantity.

CHURCH ESTATES COMMISSIONERS.

STATEMENT of Messrs. *Pott*, Lessees of House Property under the See of *Winchester*, as to the respective rights of Lessees and Sub-Lessees, under section 3 of the Act 14 & 15 Vict., c. 104.

1. Messrs. Pott beg to call the attention of the Committee to a petition signed by 63 lessees and sub-lessees under the See of Winchester, to the House of Commons on Monday the 19th of May, and which has been referred to the Committee.

2. They are prepared to support by evidence the allegations in such petition.

3. Messrs. Pott shortly after the passing of 14 & 15 Vict. c. 104, applied to the Bishop of Winchester to have their property enfranchised.

4. Until about a year ago the Bishop was disinclined to enfranchise at all, but on a renewed application to him in June 1855, he stated his willingness to enfranchise in the usual way, with the consent of the Church Estates Commissioners.

5. Some days subsequently the Bishop's agent and solicitor, Mr. Dunning, however, informed Messrs. Pott, that, by his advice, it was to their sub-lessees and not to themselves that the Bishop desired the enfranchisement to be made.

6. By the above means, Messrs. Pott, instead of having the advantage of enfranchisement according to the principle of the 14 & 15 Vict. c. 104, would, in fact, have had their lease run out, which they submit could not be the intention of the Legislature.

7. No privity whatever exists between the Bishop and the sub-lessees.

8. The contracts and covenants which have been entered into between Messrs. Pott and their sub-lessees are strictly and solely between themselves: the Bishop is an entire stranger to those covenants and contracts. He was never in any way consulted in respect of them, and has no right in any way to disturb them, as he would do if he followed the plan advised or attempted by his solicitor, Mr. Dunning.

9. In the event of the lessee purchasing the reversion of the church, the rights of the sub-lessees are fully protected by the third section of 14 & 15 Vict. c. 104; and Messrs. Pott subjoin the joint opinion of Mr. Francis Turner, the eminent conveyancer, and Mr. Currey of the Chancery bar, before whom a case with the subjoined queries was laid, which fully confirms their view.

Questions.

"You are requested to advise Messrs. Pott:

"What are the rights which would be acquired under the above-mentioned Acts of Parliament by each of the three classes of their undertenants on an enfranchisement by the Bishop?

"And whether there is any ground for supposing that the Act contemplates the division of property, as assumed by the Bishop's solicitor?

"And whether the Bishop can sell to any other party than his immediate lessee, or impose terms of sale or enfranchisement not prescribed by the Act?

"And whether it is proper or necessary that the Bishop should make a stipulation as to the interests to be granted to the undertenants, and that such interests should be conveyed directly by him and the Church Commissioners jointly with Messrs. Pott, as proposed in Mr. Davidson's opinion; or, whether such interest should be arranged between Messrs. Pott and their undertenants, and should be conveyed by Messrs. Pott alone after the enfranchisement; or in what other mode should they be arranged and conveyed?

"And whether the Bishop or the Church Estates Commissioners have any right or authority to dictate any terms as between Messrs. Pott and the sub-lessees, or otherwise to interfere in any way between them in relation to the rights of the sub-lessees under the enfranchisement?"

Appendix.

Church Estates Commissioners.

Winchester Bishoprick Estates.

Messrs. Pott, Lessees.

REPLIES.

"We have considered the statements in this case.

"The rights of the several classes of sub-lessees are defined in the 3d section of the Act referred to, and are regulated by it.

"We shall have occasion to refer to these sub-leases in our answers to the subsequent questions.

"The language of the Act is that all covenants and agreements which would have entitled any sub-lessees or others to derivative interests upon renewals of such leases upon contribution to the fines and other payments upon renewal or otherwise, shall give the like rights, so far as the nature of the property will admit, to proportionate shares and benefits out of and in respect of any interest in lands which may be acquired under this Act by the lessee, who may be subject to such covenants or agreements upon a proportionate contribution to or in respect of the costs, payments, or consideration paid or given for the interest so acquired by such lessee.

"The intention, therefore, of the Legislature appears clearly to have been, that, as between the original lessee and his sub-lessees, the sub-lessees should be placed in the same position and have the like rights against the original lessee as they would have had under the covenants in their leases if he had not become the purchaser of the reversion.

"The Act does not add to or increase the rights of the sub-lessee, and we see no ground for supposing that any division of property was contemplated by the Legislature.

"We think that the Act does not enable or empower the Bishop to sell to any other person than the lessee, and he can only act under the statutory power conferred upon him.

"The Act speaks of the reversion, estate, or interest of the corporation in all or any of the lands comprised in such lease. The Bishop's reversion is expectant on the estate of the original lessees, and not of their sub-lessees; and the meaning of the word "lessee" is clearly defined in the interpretation clause to the Act.

"As, however, the Act is not compulsory, and it is at the Bishop's discretion to contract or not, he may of course, if he do contract, stipulate for such terms and considerations as between him and his lessees, as are within the meaning of the Act and authorised by it, but not beyond them.

"We think that it is not necessary for the Bishop to stipulate respecting the interests of the sub-lessees; their interests are provided for and guarded by the Act, and Messrs. Pott would be bound and compelled to confirm them, and give them effect.

"We think that the Bishop, or the Church Estates Commissioners, have not the right of dictating any terms as between these parties.

(signed) "*Francis Turner.*
"15 August 1856." "*Fredk Currey.*"

10. The only satisfactory and just course is for Parliament to accede to the prayer of the petition to which Messrs. Pott have referred, and to embody in an Act of Parliament the true and just principle between the Church and the lessee on which enfranchisements should be made, both of land and house property.

11. Such true and just principle is laid down by the Report of the Committee of the House of Lords on the 25th July 1851, in their recommendations as to the enfranchisement of farms and tithe rentcharges, and this principle applies with equal truth and justice to the mode of enfranchisement of house property.

12. Messrs. Pott are ready to prove by evidence of one or more professional men of great experience and eminence, that such mode of enfranchisement is the just one, and that in reference to house property it is the way in which the value of the reversions is actually calculated, and has been so for a long course of years, and that the method adoped by the Church Estates Commissioners at the instance of their surveyor is utterly erroneous and unjust.

13. The Bishop's solicitor has again varied the plan, by informing Messrs. Pott that the Bishop would enfranchise to them if the sub-lessees wish it; thus reversing the order of things, and giving the tenants, with whom the Bishop has no privity whatever, a power over their landlords.

14. If the Bishop, however, would consent to enfranchise according to the meaning of 14 & 15 Vict. c. 104, to the lessees, the Bishop could only do so on terms approved by the Church Estates Commissioners, and such terms are so unjust and excessive (as Messrs. Pott have before mentioned), that although great expense might be incurred in surveys and negotiations, no enfranchisement could be carried into effect, and the Act of Parliament would be rendred utterly useless.

15. A right and just principle should be laid down and acted upon in all cases, for it is only by such a course that the real interests of the Church and its lessees can in the result be

be really advanced and secured, and such a principle is laid down in the replies of Mr. Harrison and Mr. Driver to the following questions which have been submitted to them by Messrs. Pott:

Questions.

"Be so good as to mention what experience you have had in the valuation of house property, and also in reference to house property held under lease from the Church; and what, according to your experience and judgment, is the method that ought to be adopted in calculating the value of the reversions of such property?

"Be so good as to consider and give your opinion on the following method of computing the value of the reversion of house property held under lease of the Church.

"Compute the value in money of a house as if it were owned in fee at the present time.

"Then ascertain, according to the 4 per cent. interest table, the present value of such sum of money, payable at the end of the lease, and take the result as the present value of the reversion."

Replies of Mr. Harrison.

"In reply to the first question submitted to me by desire of Mr. Pott, I have to state, that I have been extensively engaged in the valuation of property for a period of upwards of 40 years; I am likewise well acquainted with house property belonging to the Church, having acted for 25 years as surveyor to the See of Canterbury, during the time the Right honourable Dr. Charles Manners Sutton and the Right honourable Dr. William Howley were archbishops, and also for property belonging to other sees.

"I consider that the proper mode of valuing the reversion of house property held under lease from the Church is to deduct from the value of the fee-simple the value of the lease, both being calculated at the same rate of interest table; namely, if the fee is calculated at the 6 per cent. interest table, the lease should be calculated at the 6 per cent. table also.

"This is the mode in which I have always calculated the value of reversions, and is the basis adopted by all other surveyors with whom I am acquainted.

"Upon the above principle, the value of the reversion of a house let at a peppercorn rent for 21 years, of the clear annual value of 100*l.*, would be 490*l.*; and the value of the lease, 1,176*l.*, making together 1,666*l.*, the value of the fee-simple by the 6 per cent. interest table.

"In reply to the 2d Question,—

"As to the value of the reversion, calculated upon the principle of a house let at a peppercorn rent for 21 years, of the clear annual value of 100*l.*, and valuing the fee-simple as in possession at the present time.

"The value in fee at the present time, calculating by the 6 per cent. interest table, would be 1,666*l.*

"This sum of 1,666*l.*, payable at the expiration of the lease of 21 years, would be worth in present money, according to the 4 per cent. interest table, 731*l.*, which would be the assumed value of the reversion on this principle.

"This plan would reduce the tenant's interest in the lease to 935*l.*, being 241*l.* less than the dry value of his interest if sold in the market, and without anything being taken into account for the loss of the expectant benefit of renewal.

"The above principle is clearly erroneous, as the reversion would not produce more than 490*l.*, nor even that sum if offered in the market.

(signed) "*Henry Harrison*,
"Architect and Surveyor."

"29 Bedford Square,
26 May 1856."

Replies of Mr. *Driver*.

"1st. With reference to house property valuations generally, I have had considerable experience in London, its suburbs, as well as in the country. With reference to house property held under the Church, I am well acquainted therewith.

"According to my experience and judgment, there is but one method of calculation, in arriving at the value of the reversion of such property, whether the lease is determinable at a given and defined time, or determinable with lives; this method is as follows, viz.:

"First, to compute the value in money, as if it were owned in fee at the present time. Then ascertain on the like per cent. interest table the present value of such sum of money, payable at the end of the lease; that is, if the value in fee is calculated at the 6 per cent.

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interest table, the discounting the same must be also at the 6 per cent interest table; or, in other words, ascertain the value of the lease, deducting the amount thereof from the value, as if owned in fee at the present time, both being calculated on the same per cent. table; the difference is the value of the reversion.

"In some instances there is an annual reserved rent payable during the lease, and, in other instances, a peppercorn only. Where there is an annual reserved rent, payable during the lease, this is calculated in nearly all cases on the 4 per cent. interest table, for the unexpired term, and the result thereof added to the above amount; but where there is peppercorn, of course there is nothing to add or calculate.

"A lease granted on three good young lives, or the survivor of them, is assumed to be equal to a 40 years' absolute term.

"I will, therefore, in the following example, take a lease of which there are 40 years unexpired; the calculation will apply, therefore, in both instances.

"The annual reserved rent during the lease being 2*l.* per annum, and the house property comprised in such lease being of the net and clear annual value of 100*l.* (exclusive of the annual reserved rent of 2*l.*), and the house property of such a character both in point of position and stability as would be valued in fee at the 6 per cent. interest table.

	Yrs. Dec.	£.	Yrs. Dec.	£.	s.	d.	
"The value in fee at the 6 per cent. interest table equals - -	16·667	100 × 16·667 =		1,666	10	–	value in fee as if owned in possession.
"The value of the 40 years' term unexpired equals - - -	15·046	100 × 15·046 =		1,504	10	–	value of the lease for the term unexpired.
				162	–	–	present value of the reversion.
"Annual reserved rent, 2*l.* for 40 years (the unexpired term at 4 per cent.) equals -	19·793	2 × 19·793 =		39	10	–	present value for the redemption of the reserved rent during the unexpired term.
				£. 201	10	–	Total value for enfranchisement.

"Assuming in the above (foregoing) example it was only a peppercorn reserved, the present value of the reversionary interest or enfranchisement money would be 162*l.* instead of 201*l.* 10*s.*

"Secondly. As to the following system of calculation, viz.:

"'Compute the value in money of a house as if it were owned in fee at the present time.

"'Then ascertain, according to the 4 per cent. table, the present value of such sum of money payable at the end of the lease, and take the result as the present value of the reversion.'

"My opinion is, that the above is a fallacious system to discount at the 4 per cent. interest table, the present value of such sum of money as the fee in possession is valued at, assuming such to be house property, and usually valued as if owned in fee in possession on the 6 per cent. interest table; and that by so valuing a manifest advantage is taken in assessing the value of the reversion or enfranchisement money.

(signed) "*Robert C. Driver.*"

"5, Whitehall, London,
27 May 1856."

CHURCH ESTATES COMMISSIONERS.

STATEMENT of the Lessees of the Dean and Chapter of Lincoln, as to the Enfranchisement of their Estates.

The undersigned having been deputed to offer evidence in support of a petition lately presented by certain lessees of the Dean and Chapter of Lincoln, and other Ecclesiastical Corporations in the city and county of Lincoln, to the Honourable the House of Commons, beg leave to submit to the Committee to which the petition has been referred the following statement:—

1. Considering it unnecessary to go into any detail of the evils and inconveniences of the present tenure of Church property, it may be sufficient to refer to the inevitable tendency it has to prevent and not to promote improvements; the total absence of that good feeling which generally exists between lay landlords and their tenants; the necessity of being obliged to drive a bargain with the lessors every seven or fourteen years; the uncertainty of the tenure when held upon lives; the heavy and constantly recurring expenses of renewing and surrendering leases, and of licenses of alienation, when sold, transferred, or mortgaged; and the risk and difficulty attending every attempt to sell leasehold estates in lots. These evils, it is submitted, are all peculiar to property of this description.

2. These evils have been long and seriously felt; and the prevalence of this property in the city of Lincoln is very injurious to the welfare and prosperity of the town, as well as to the lessees individually. Most of the best and central sites for building now unoccupied are of this unimprovable tenure; and the necessity for providing accommodation for the rapidly increasing population compels parties to build on the more distant and inconvenient parts of the town.

3. The Dean and Chapter of Lincoln have frequently during the last few years been applied to, to concur in an enfranchisement of the property held of them, as the best, if not the only remedy, for the evils and disadvantages alluded to. That the Dean and Chapter have always refused to enfranchise any part of the property held by lease of them.

4. That the lessees, being anxious to remove, so far as was in their power, the objections which the Dean and Chapter might have to an enfranchisement, have corresponded with them on the subject, and the following letters have passed between the parties:—

Letter from *J. Moore*, Esq., to *Robert Swan*, Esq.

"Dear Sir, "Lincoln, 30 May 1854.

"At a public meeting of proprietors of Church leaseholds, held at the Guildhall on the 23d July 1851, a committee of 24 gentlemen of the county, and 12 of the city of Lincoln, were appointed to superintend and protect the interests of the lessees, more particularly with reference to the effects upon those interests of the Episcopal and Capitular Estates Act.

"That Act having been now in operation nearly three years, and being about to expire, the committee have deputed me to express their regret at finding, that although other Deans and Chapters have permitted the enfranchisement of property held of them to a very considerable extent, this privilege has not (as far as the committee are informed) been granted to a single lessee of the Dean and Chapter of Lincoln. Under these circumstances, I have been directed by the committee to request that the Dean and Chapter would have the goodness to state, for their information and that of the lessees generally, whether they have any, and if any, what objection, to allow such of their lessees as may be so disposed to enfranchise the property held by them, on the terms prescribed by the Act alluded to.

"I enclose a list of the committee.

"I am, &c.
(signed) "*J. Moore.*"

Letter from *Robert Swan*, Esq., *to Joseph Moore*, Esq.

"Dear Sir, "Lincoln, 13 July 1854.

"In reply to your letter, I beg to inform you that the Dean and Chapter of Lincoln are not now prepared to proceed with the enfranchisement of property, having been in correspondence with the Ecclesiastical Commissioners upon the subject. The Dean and Chapter have stated their objection to the principle of the surplus which might arise out of any such arrangement being applied to a common fund, instead of the benefit of the diocese in which that property is situated, and they have not yet received a favourable answer from the Ecclesiastical Commissioners.

"I am, &c.
(signed) "*Robt. Swan.*"

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Lincoln Chapter Estates.

Enfranchisements.

LETTER from *J. Moore*, Esq., to *Robert Swan*, Esq.

"Dear Sir, "Lincoln, 14 July 1854.

"I BEG to acknowledge the receipt of your letter of yesterday's date, from which I am led to infer, that supposing the Ecclesiastical Commissioners should accede to the principle for which the Dean and Chapter contend, viz., that of applying any fund that may result from the enfranchisement of property in this diocese for the benefit of the diocese, the Dean and Chapter will have no objection to proceed with the enfranchisement of property held by lease from them.

"Being anxious to avoid any misrepresentation of their intention, I will thank you to correct me if I have formed a wrong conclusion.

"I am, &c.
(signed) "*J. Moore.*"

LETTER from *Robert Swan*, Esq., to *J. Moore*, Esq.

"Dear Sir, "Lincoln, 17 July 1854.

"IN reply to your letter, I beg to state that you are quite right in supposing that the Dean and Chapter will have no objection to proceed with the enfranchisement of property should the Ecclesiastical Commissioners accede to the principle mentioned in my former letter; but you will, of course, understand that each and every proposal for enfranchisement will be considered separately, and according to the circumstances in which such property happens to be placed when the proposal is made.

"I am, &c.
(signed) "*Robt. Swan.*"

LETTER from *J. Moore*, Esq., to *Robert Swan*, Esq.

"Dear Sir, "Lincoln, 23 February 1856.

"ON behalf of the Committee of Proprietors of Church Leaseholds, and with reference to my letter of 30th May 1854, and your reply, I am directed to inquire whether the Dean and Chapter are now disposed to enfranchise any of the property held by lease of them.

"The committee believe that the privilege of enfranchisement has been granted to their lessees by nearly all the Cathedral Chapters in England, with great benefit to the lessees, the Church, and the public.

"Under these circumstances the committee are anxious to know whether the Dean and Chapter have come to any decision on the subject, and if so, what that decision is.

"I am, &c.
(signed) "*J. Moore.*"

LETTER from *Robert Swan*, Esq., to *J. Moore*, Esq.

"Dear Sir, "Lincoln, 6 March 1856.

"IN reply to your letter, I am directed by the Dean and Chapter to say that they have not at present any other answer to give on the subject to which it relates than that therein referred to.

"I am, &c.
(signed) "*Robt. Swan.*"

5. That, except as may appear from the above letters of the Dean and Chapter's clerk, the lessees are unable to state what objections, if any, they, the Dean and Chapter, have to concur in an enfranchisement.

6. The undersigned submit that an enfranchisement of the property of the Ecclesiastical Corporations in Lincoln, on fair and equitable terms, would greatly promote the improvement of the town, and would be attended with advantage both to the lessees and the Church.

7. That the Committee of the House of Lords having failed, in their Report of 1851, to lay down any principle which could be applied to the enfranchisement of house property, it is extremely desirable that some definite and correct principle should be prescribed by competent authority, according to which the enfranchisement of this sort of property should be effected, and by which the interests of lessors and lessees should be respectively ascertained and determined; particularly as the undersigned have reason to believe that in many instances enfranchisement of houses have taken place on terms which are the result of no uniform or correct principle whatever.

8. That in making a valuation of property proposed to be enfranchised, the lessees ought to be properly represented; it being unreasonable to suppose that any person nominated by only one of the parties can be free from bias, and that it is very difficult for any one, however free from such bias, and however skilful, to come in all cases to a correct conclusion in a matter which gives rise to so much difference of opinion.

(signed) *Jno. Thos. Tweed*, Town Clerk.
Chas. Ward, Builder.
Willm. Bartholomew, Land Agent.
J. Moore, Solicitor.

CHURCH BUILDING COMMISSIONERS.

CORRESPONDENCE, &c., relating to the Assignment of the PATRONAGE of CHRIST CHURCH, WEST HARTLEPOOL, in the County and DIOCESE of DURHAM.

Extracted from the Registry of the Consistory Court of *Durham*.

CHRIST CHURCH, WEST HARTLEPOOL.

DECLARATION of the Bishop of *Durham* as to the Vesting of the Right of Nomination.

To all Christian people to whom these Presents shall come, I, the Right Reverend Father in God, Edward, by Divine Providence Lord Bishop of Durham, send greeting :—Whereas Ralph Ward Jackson, of Greatham Hall, in the county of Durham, Esquire, and Susanna Louisa Jackson, of Greatham Cottage, in the said county, widow, being the major part in value of the subscribers to the building and endowing of the Church hereinafter mentioned, and built and endowed by subscription, did, by writing under their hands bearing date the 13th day of April 1854, declare in pursuance of the provisions contained in an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend and render more effectual an Act passed in the seventh and eighth years of the reign of his late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional churches in populous parishes';" that it was the intention of them and the other subscribers to the building and endowing of the said intended church (they being persons belonging to the Church of England) to build a church at West Hartlepool, in the township and parish of Stranton, in the county of Durham and diocese of Durham, for the performance of Divine service according to the rites of the United Church of England and Ireland, and the population of which said parish, according to the returns last made in pursuance of the Acts of Parliament in that case made and provided, amounted to 2,000 persons and upwards, and in which said township and parish the existing church did not afford accommodation for more than one-third of the inhabitants for the attendance upon Divine service, according to the rites of the United Church of England and Ireland; and they did also declare that it was the intention of them and the said other subscribers to provide a sum of 1,000 *l.* at the least, by way of endowment for the said intended church, to be secured upon lands or money in the Funds, in addition to the pew rents and profits arising from the said intended church, in case any such rents should be taken; and they did also declare that it was the intention of them and the said other subscribers to provide a fund for the repairs of the said intended church, in manner following (namely), one sum, equal in amount to 5 *l.* upon every 100 *l.* of the original cost of the erecting and fitting up of such intended church, to be secured upon lands or money in the Funds, as aforesaid, and also a further sum to be reserved annually out of the pew rents of the said intended church, after the rate of 5 *l.* upon every 100 *l.* of the sum so to be provided as last aforesaid; and they did further declare that it was the intention of them and the said other subscribers to set apart and appropriate one-third at least of the sittings in such intended church to be and continue for ever as free sittings: And whereas there has been produced to me a certificate, signed by Edward Buckton Lamb, of Charlotte-street, Portland-place, in the county of Middlesex, an architect, in pursuance of provisions contained in the said Act, and attested by two respectable householders in the said township and parish, to the effect, that the existing church of the said parish does not afford by admeasurement accommodation for more than one-third of the inhabitants, and that there are no chapels in connexion with the Established Church in the said township and parish: And whereas the said church is in such a situation within the said parish as is, in my opinion, adapted to the convenience of that portion of the inhabitants aforesaid, for whom such additional accommodation is required: And whereas all the other requisites in the said Act mentioned have been complied with by the said subscribers to the building and endowing of the said church; and the said Ralph Ward Jackson and Susanna Louisa Jackson, as the major part in value of the said subscribers, have accordingly applied to me, as the Bishop of the diocese, to make the declaration as to the right of nominating the minister, which I have agreed to do as hereinafter mentioned. Now know ye that I, the said Lord Bishop of the diocese of Durham, do, by virtue of the powers contained in the said Act, hereby declare by this writing, under my hand and seal, the right of nominating a minister to the said church when so built and endowed as aforesaid; and when the conditions therein and hereinbefore mentioned are performed, and the said church duly consecrated, shall for ever hereafter be in the said Ralph Ward Jackson and Charles Swainson, of Cooper Hill, in the county of Lancaster, Esquire; the Rev. Henry Walter M'Grath, of the city of Manchester, in the said county, clerk; the Rev. George Townshend Fox, of the city of Durham, clerk; and the Rev. John Lawson, of Seaton Carew, in the said county of Durham, clerk (being members of the united Church of England and Ireland), as the trustees appointed in pursuance of the powers and provisions contained in the said Act of Parliament, and in such future trustee or trustees (being members of the united Church of England and Ireland) as shall be chosen in such manner as may be agreed upon by the persons building and endowing the said intended church, or the major

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part of them, in writing under their hands and seals, in the place and stead of any one or more of the trustee or trustees, who shall from time to time die, resign, or become incapable of acting.

Given under my hand and seal this 19th day of April, in the year of our Lord 1854.

(signed) *Edv*^{s} (L.S.) *Dunelm*^{s}.

Extracted from the Registry of the Consistory Court of *Durham*.

CHRIST CHURCH, WEST HARTLEPOOL.

Assignment of a District by the Bishop of *Durham*.

To all to whom these Presents shall come, I, the Right Reverend Father in God, Edward, by Divine Providence Lord Bishop of Durham, send greeting: Whereas Ralph Ward Jackson, of Greatham Hall, in the county of Durham, Esquire, and Susanna Louisa Jackson, of Greatham Cottage, in the said county, widow, being the major part in value of the subscribers to the building and endowing of the Church hereinafter mentioned, and built and endowed by subscription, and the other subscribers to the building and endowing of the said church, have erected and built and endowed a church at West Hartlepool, in the township and parish of Stranton, in the county of Durham and diocese of Durham, under and by virtue of the powers and provisions contained in an Act passed in the Session of Parliament holden in the first and second years of the reign of his late Majesty King William the Fourth, intituled "An Act to amend and render more effectual an Act passed in the seventh and eighth years of the reign of his late Majesty, intituled 'An Act for building and promoting the building of additional Churches in populous Parishes';" and I have, by writing under my hand and seal, bearing date the 19th day of April, in the year 1854, declared the right of nominating a minister to the same church to be for ever vested in the said Ralph Ward Jackson and Charles Swainston, of Cooper Hill, in the county of Lancaster, Esquire, the Rev. Henry Walter M'Grath, of the city of Manchester, in the said county of Lancaster, clerk, the Rev. George Townshend Fox, of the city of Durham, clerk, and the Rev. John Lawson, of Seaton Carew, in the said county of Durham, clerk (being members of the united Church of England and Ireland), as trustees appointed in pursuance of the powers and provisions contained in the said Act of Parliament, and in such future trustee or trustees (being members of the united Church of England and Ireland), as shall be chosen in such manner as may be agreed upon by the persons building and endowing the said church, or the major part of them, in writing under their hands and seals, in the place and stead of any one or more of the trustee or trustees who shall from time to time die, resign, or become incapable of acting: And whereas the said Ralph Ward Jackson and Susanna Louisa Jackson have, by their petition presented to me, amongst other things prayed that I would with all convenient speed assign a particular district of the said parish of Stranton to the said church, which district the said petitioners suggest should be all that part of the parish of Stranton hereinafter described and assigned by me as such district; and the said petitioners pray that I would cause a description of the boundaries of the district so prayed to be assigned to the said church to be registered in the registry of my diocese. Now, know ye that I, the said Edward Lord Bishop of Durham, having taken the several matters into my consideration, do hereby by this present writing under my hand assign as such district to the said church, all that part of the said parish of Stranton comprised within the following boundaries (that is to say), Firstly, that part of the said parish of Stranton which is bounded on the south by the highway leading from the sea shore to the village and the said parish church of Stranton, and extending westwards as far as the point or corner at which the said highway turns southward towards the said parish church. Secondly, that part of the said parish commencing from the said last-mentioned point or corner of the said highway, and extending along the highway leading from the said parish church of Stranton, to the point or corner of the highway leading towards Throston, and as far westwards thereon as the eastern boundary of the field of Ralph Walker, adjoining certain houses and property belonging to William Hutchinson, on the west side of the ground belonging to the said Ralph Ward Jackson, and Robinson Watson, merchant, and Thomas Wilde Powell, gentleman, and intended for a public cemetery. Thirdly, that part of the said parish commencing from the western extremity of the said ground intended as the public cemetery (and including the same ground) and extending from the said point or corner of the said highway leading to Throston aforesaid as far as the northern extremity of the said parish of Stranton, and along the entire northern and eastern boundary of the said parish of Stranton, and which said district intended to be hereby assigned is more particularly delineated or described on the plan indorsed on these presents, and therein tinted round pink. And I declare that the said district shall be under the immediate care of the minister who may be duly licensed to serve such church, as regards the visitation of the sick and other pastoral duties, and the publication of banns of matrimony and the solemnization and performance of marriages, baptisms, and churchings in the said church. And I have caused a description of the boundaries of the said district so assigned to the said church as aforesaid to be registered in the registry of my diocese.

Given under my hand this 19th day of April 1854.

(signed) *E. Dunelm.*

LETTER from Messrs. *Bell, Steward & Lloyd* to the Secretary.

Sir, 49, Lincoln's Inn Fields, 26 February 1856.

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CHRIST CHURCH, WEST HARTLEPOOL.

WE are instructed by the principal subscribers to, and others interested in this Church, to address you, for the purpose of asking immediate assistance of Her Majesty's Commissioners for Building New Churches, to remedy a mistake into which the subscribers to this Church have inadvertently fallen.

In April 1852, certain persons belonging to the Church of England commenced building by subscription this Church, which is situate in the parish of Stranton, in the county and diocese of Durham. The subscribers were under the impression that the proper Act under which to take their proceedings was the 1st & 2d Will. 4, c. 38, and they wholly lost sight of the fact that the Act of 14th & 15th Victoria, c. 97, had been passed in August 1851, which took away from the Bishop the authority which he previously had, of declaring the right of nominating a minister, and the right of assigning a district. The subscribers, therefore, proceeded under the Act of 1st & 2nd Will. 4, c. 38, and the several forms were accordingly gone through thereunder.

In April 1854 the Bishop of Durham signed a document assigning a district to this Church, and his Lordship also signed a document, declaring the right of patronage to be vested in five persons named in such document, who professed to nominate a clergyman, who was accordingly licensed to the Church by virtue solely of such professed nomination.

The Bishop of Durham also, at the same time, signed a document authorising the performance and solemnization of marriages, baptisms, and churchings in such Church.

The attention of the subscribers having been called to the operation of the Statute 14th & 15th Vict. c. 97, s. 14, they have consulted Dr. Haggard, of Doctors Commons, and are advised by him that the proceedings ought to have been taken under the 14th & 15th Vict. c. 97, and not under the 1st & 2nd Will. 4, c. 38; and that the proceedings under the last-mentioned Act are therefore simply null and void, and that (*inter alia*) the declaration by the Bishop of the right of nominating the minister, and by consequence the nomination thereunder, and the assignment of a district to the Church, and the declaration of right to solemnise marriages, &c., are nullities, and precisely as if they had never had any existence.

The next point to which we are desirous of calling your attention is, that on the 19th April 1854 the Bishop of Durham consecrated this Church.

The act of consecration is clearly valid, and so Dr. Haggard advises the subscribers, it being quite clear that a building once consecrated can never again be desecrated.

The whole matter, therefore, resolves itself into this simple state of things, namely, that this building is a consecrated chapel of ease in the parish of Stranton, within the authority and nomination of the incumbent of that parish, the Rev. Mr. Ridley, who, we are instructed, objects to the minister at present officiating in such chapel of ease, and will not sanction his continuance therein.

Under these circumstances, the subscribers beg to submit to Her Majesty's Commissioners for Building New Churches, the extreme public importance of remedying the state of things which is now working and must continue to work grievous injury in the locality. They are advised that the whole matter admits of a very simple remedy, namely, that the patron and incumbent of the parish of Stranton shall execute a surrender of the patronage of this chapel of ease in favour of certain persons to be named in such deed of surrender, and that thereupon Her Majesty's Commissioners for Building New Churches shall assign a district. We are instructed that the incumbent and patron will be ready to execute such surrender.

The subscribers are ready and anxious to provide in the most liberal spirit the endowment and repair funds, and, in short, to carry out the remedy to this unfortunate state of things in the most handsome manner.

It is right that we should add, that the erection of extensive schools for the Christian instruction of the children of this important locality is kept in abeyance by the circumstances above alluded to.

Our application, therefore, to the Commissioners, and which we take the liberty of submitting to them is, that they will be pleased to instruct their counsel to approve of the form of the surrender of patronage, and that after such surrender has been duly made they will assign a district.

We beg to add that we hereby undertake to pay any fees to counsel which the Commissioners may wish us to pay, and our clients are quite ready to incur the expense of Dr. Haggard attending the Commissioners' counsel in consultation, in order that no time may be lost in protecting the public interests in this locality.

We have, &c.
(signed) *Bell, Steward & Lloyd.*

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LETTER from Messrs. *Bell, Steward & Lloyd* to the Secretary.

Sir, 49 Lincoln's Inn Fields, 8 March 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

WE beg to forward you case submitted to Mr. H. Bellenden Ker, and the original opinion thereon, after consultation with Doctors Haggard and Hughes.

We also beg to forward you the drafts settled by Mr. Bellenden Ker, and the same other counsel, for effecting the requisite surrender of patronage.

We are, &c.
(signed) *Bell, Steward & Lloyd.*

CASE for the opinion of Mr. *Bellenden Ker*, and Doctors *Haggard* and *Hughes*.

In the Matter of Christ Church, West Hartlepool, in the County and Diocese of Durham.

THIS case is submitted to Mr. Bellenden Ker with the assent of Her Majesty's Church Building Commissioners; it being of great importance to be advised by that gentleman thereon before the next meeting of the Commissioners, on Tuesday the 11th of March instant, as to the proper course to be taken to remedy the serious evils under which the public, with reference to this Church, at present labour.

In April 1852 certain persons belonging to the Church of England commenced building by subscription this Church; which is situate in the parish of Stranton, in the county and diocese of Durham. The persons who so built the Church were under the impression, previous to the consecration, that the case came within the Act of the 1 & 2 Will. 4, c. 38, (passed in 1831), and they wholly lost sight of the fact that the Act of the 14 & 15 Vict. c. 97 (passed in August 1851), had taken away from the Bishop of Durham the power he previously had to declare the right of patronage, and also to assign a district to the Church. The subscribers, as well as the Bishop, however, erroneously proceeded under the Act of 1 & 2 Will. 4, c. 38.

In April 1854 the Bishop signed a document purporting to assign a district to this Church; and his Lordship also signed a document purporting to declare the right of patronage to be vested in five persons named as trustees in such document, and they professed to nominate a clergyman, whom the Bishop thereupon licensed to the Church, but by virtue solely of such professed nomination by those five persons.

The Bishop also at the same time signed documents purporting to authorise the performance and solemnization of marriages, baptisms, and churchings, at such Church.

The attention of the persons who built the Church having lately been called to the position and status, &c. of it, they are advised that the proceedings ought to have been taken under the Act of the 14 & 15 Vict. c. 97, and not under the 1 & 2 Will. 4, c. 38; and that, consequently, the proceedings under the last mentioned Act, are simply null and void; and that (*inter alia*) the declaration by the Bishop of the right of patronage, and the assignment of a district to the Church, as well as the declaration of right to solemnise marriages &c., within it, are nullities, and precisely as if such documents had never had any existence.

The next point to which counsel's opinion is called is, that on the 20th April 1854 the Bishop of Durham consecrated this Church.

The act of consecration is conceived to be clearly valid, on the principle that a building once consecrated by the proper authority cannot afterwards be desecrated.

The patron and vicar of the parish concurred fully with the persons in their erecting the new Church, and agreed to the boundaries of the district to be assigned to it; and it may be considered that, so far as they, the patron and vicar are concerned, they will be equally prepared and ready as before to do what may be now required of them; simply to give legal effect to their agreement, and arrangement with the builders of the Church as to the patronage and district, and thereby (*inter alia*) to prevent the new Church and district being, as all parties originally intended they should not be, a charge, liability, and injury to the parish Church and the vicar of it.

It has now obviously become a matter of grave public importance to remedy the above state of things affecting this Church as speedily as possible; for otherwise it must continue to work a very grievous injury in the locality, which has become very populous, and is most rapidly increasing in population and pastoral duties.

It is submitted that the whole matter admits of a very simple remedy at the hands of Her Majesty's Church Building Commissioners, and that they, after having from the patron and vicar of the parish of Stranton, the usual document, in the form required by the Commissioners, for vesting the right of patronage of this new Church in those building and endowing it, should, on the request of those persons, legally assign the district according to the limits which have been already decided upon by all parties; and afterwards that the proper legal documents to authorise marriages, churchings, baptisms, &c., in the new Church, should be obtained; the absence of which, under existing circumstances, is now and must continue to be, attended with extreme delicacy, difficulty, and wrong.

The

The persons who have built the Church, on having these matters satisfactorily remedied by proper and legal documents, continue to be ready and anxious to provide, in every liberal spirit, the required endowment and repair funds, and in short, to do everything in their power in those respects to rectify this unfortunate state of things in the most handsome and honourable manner; and they rely upon all other necessary parties to concur with them for that purpose.

The opinion of counsel is therefore requested upon the following points:

1. Whether the proceedings in respect to Christ Church, West Hartlepool, having been taken under the Act of the 1 & 2 Will. 4, c. 38, and the power of the Bishop to declare the patronage of such Church, and to assign a district to it, having been taken away by the Act of the 14 & 15 Vict. c. 97, sec. 14, the declaration by the Bishop of the patronage, and the assignment of a district by the Bishop referred to, are or are not null and void?

2. Whether in the event of counsel being of opinion that the said proceedings mentioned in the first question are absolutely null and void, they are also of opinion that it is competent for the patron and incumbent of the parish of Stranton to surrender (with the sanction of the Bishop of the diocese and of the Church Building Commissioners, but without the consent of the minister of Christ Church, West Hartlepool) the right of nomination thereto under the section 15th 3 Geo. 4, c. 72, and the section 15th 1 & 2 Vict. c. 107, to A. B. C., & D., in order the better to enable the said Commissioners afterwards to assign a district chapelry to such Church under the section 16th of 59 Geo. 3, c. 134, and the section 3d of 2 & 3 Vict. c. 49? A draft surrender is left herewith to be settled by counsel.

3. Whether the five persons in whom the declaration of patronage purported to vest the right of nominating a minister to Christ Church had, or not, power to nominate a minister to it; and they having nominated a minister to it, whether such nomination is or is not null and void?

4. Whether the documents so proceeding from the Bishop, and purporting to authorise marriages to be solemnised, and churchings, baptisms, &c., to be performed in this new Church, are or are not invalid?

5. Whether the consecration of the Church under the circumstances be valid or not?

6. Whether the accompanying draft document is the most simple and proper instrument to proceed in the first instance from the patron and vicar of the parish of Stranton, merely to effect and carry out on their part, in due legal form, their previous consent and agreement to the right of patronage being vested in those persons who principally have built the Church, and to enable Her Majesty's Church Building Commissioners afterwards, when requested so to do by the proper parties, to execute the necessary documents, to assign the district agreed to, and to relieve the parent Church, and its vicar, from the duties and responsibilities of the new Church, and then, that the requisite instruments may follow legally to authorise marriages, churchings, baptisms, &c., in the new Church?

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1. We are of opinion that the declaration of the patronage by the Bishop, and the assignment of a district by the Bishop (as referred to in the case), are void.

2. We are also of opinion that it is competent to the patron and vicar of Stranton to surrender (with the sanction of the Bishop of the diocese, and of the Church Building Commissioners) the right of nomination to Christ Church, West Hartlepool, under the provisions of the statutes referred to, in favour of any party named in the surrender, so that the Commissioners may proceed afterwards to assign a district to the said Church. We are further of opinion that for such surrender or assignment of a district, the consent of the gentleman now licensed as minister in that Church is not required.

3. We are of opinion that the five persons in whom the declaration of patronage purported to vest the right of nomination of a minister to Christ Church had not a legal power in respect of such nomination, and that their nomination is in law null and void. In accordance with that view, we are of opinion that the licence granted to such minister cannot be sustained.

4. We are of opinion that the documents proceeding from the Bishop, and purporting to authorise the performance of marriages, churchings, and baptisms in Christ Church, are not valid.

5. The consecration of Christ Church is, in our opinion, valid.

6. We have perused the drafts, surrender and sanction, and are of opinion that they are proper instruments to proceed from the patron and vicar of the parish of Stranton, to carry out their part, in a legal form, their previous consent and agreements (as we are instructed) in respect of the right of patronage to Christ Church, and thereby to enable Her Majesty's Church Building Commissioners to assign the district (agreed upon), and thus relieve the parent Church and its vicar from the duties and responsibilities of such new Church. We are also of opinion, that after a district has been assigned, the requisite instruments to authorise marriages, churchings, and baptisms in Christ Church may be legally executed.

(signed) *John Haggard.*
G. E. Hughes.
H. Bellenden Ker.

Doctors Commons, 7 March 1856.

Appendix.

Church Building Commissioners.

West Hartlepool: Christ Church.

Patronage.

EXTRACT from the MINUTES of the PROCEEDINGS of Her Majesty's Commissioners for Building New Churches, at a Board held on the 11th March 1856.

"Read,—A letter from Messrs. Bell, Steward and Lloyd, dated 49, Lincoln's Inn Fields, 26 February 1856, stating the circumstances under which Christ Church, at West Hartlepool, in the parish of Stranton, Durham, had been erroneously dealt with under the 2nd section 1 & 2 Will. 4, c. 38, and requesting the Board's assistance in legally settling the patronage of such Church, and assigning a district thereto.

"The secretary reported that he had been in personal communication with the applicants on the subject, and now laid before the Board another letter from them, dated 8th March 1856, transmitting a case, with the opinion of Dr. Haggard, Dr. Hughes, and Mr. Bellenden Ker thereon; also a draft deed of surrender of patronage, and draft sanction of the Board and the Bishop of Durham thereto.

"Resolved,—That under the circumstances stated in the said case and opinion, the Board proceed in accordance therewith, and authorise a surrender of the patronage of Christ Church, West Hartlepool, under the 15th section 3 Geo. 4, c. 72, and 15th section 1 & 2 Vict. c. 107, preparatory to the assignment of a district to that Church under the 16th section 59 Geo. 3, c. 134.

"Ordered,—That the draft surrender of patronage settled by Mr. Bellenden Ker and the said learned civilians, be returned to Messrs. Bell, Steward and Lloyd, to be engrossed and executed, and then forwarded to be sealed by the Board.

"Ordered,—That on the receipt of the surrender so executed, it be sealed with the common seal of the Board."

LETTER from the Secretary to Messrs. *Bell, Steward & Lloyd.*

Gentlemen, Church Commissioners' Office, 11 March 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

HAVING laid before Her Majesty's Commissioners for Building New Churches, your letters of the 26th ult. and the 8th inst., together with the three documents enclosed in the latter, I am directed to inform you, that under the circumstances detailed in the case submitted to Mr. Bellenden Ker, Dr. Haggard, and Dr. Hughes, and also of their opinion thereon, respecting the above Church, the Board are willing to sanction the proposed surrender of the patronage thereof, according to the terms embodied in the draft surrender and draft sanction, if the Bishop of the diocese and the patron and incumbent of the parish of Stranton severally consent thereto; subject to those parties approving of the measure, which you will, of course, take the necessary steps to ascertain. I return the two drafts (as settled by the said three learned gentlemen) herewith for engrossment and execution. The Board's common seal will be affixed when all the other parties have signed and sealed the instrument and endorsement thereon.

No stamps need be placed upon either document. I will thank you to let me have the approved drafts, or exact copies thereof.

I am, &c.
(signed) *Thos. Beachcroft.*

LETTER from Messrs. *Bell, Steward & Lloyd* to the Secretary.

Sir, 49, Lincoln's Inn Fields, 14 March 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

YOUR letter of the 11th, and the documents therein referred to, duly reached our hands on the 12th inst., and we are giving this very important and interesting business our continued and best attention.

Allow us also to express our best acknowledgements, not only for the promptitude with which you have attended to this business, but also for the patient attention and courtesy we have experienced at your office during its progress hitherto.

We are, &c.
(signed) *Bell, Steward & Lloyd.*

LETTER from Messrs. *Bell, Steward & Lloyd* to the Secretary.

Sir, 49, Lincoln's Inn Fields, 19 March 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

HAVING this morning received the surrender of patronage, duly executed by Sir Matthew White Ridley, the patron of Stranton, and by the Rev. Henry Richard Ridley, the vicar of Stranton, we are instructed by Mr. Ralph Ward Jackson to call upon you upon this business, and we propose to do so, if convenient to you, to-day (Wednesday) at two o'clock.

We are, &c.
(signed) *Bell, Steward & Lloyd.*

Whereas, in or about the month of April 1852, Ralph Ward Jackson, of Greatham-hall, in the county of Durham, Esquire, and other persons belonging to the Church of England, commenced building by subscription a certain church, situate in the parish of Stranton, in the county and diocese of Durham, of which subscription the said Ralph Ward Jackson contributed upwards of two third parts; and whereas, the said church having been built, and completely furnished and fitted up for the performance of Divine Service, was, in the month of April 1854, consecrated by the Lord Bishop of Durham, by the name of "Christ Church, West Hartlepool;" and whereas it is in contemplation that a district chapelry, under the 16th section of an Act passed in the 59th Year of the Reign of his late Majesty, King Geo. 3, intituled "An Act to amend and render more effectual an Act passed in the last Session of Parliament, for Building and promoting the Building of additional Churches in populous Parishes;" and under the 3d section of an Act passed in the Session of Parliament held in the 2d and 3d Years of the Reign of Her Majesty, intituled "An Act to make better Provision for the assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other purposes" (both or either of them), consisting of part of the said parish of Stranton, shall be assigned to the said church, called Christ Church, West Hartlepool; and whereas Sir Matthew White Ridley, of Blagdon, in the county of Northumberland, Baronet, is the patron of the vicarage and parish church of the said parish of Stranton, and the Reverend Henry Richard Ridley is the vicar of the said parish of Stranton; and whereas the said Sir Matthew White Ridley, the patron aforesaid, and the said Henry Richard Ridley, the vicar aforesaid, are respectively desirous, in accordance with their previous consent, that the right of nomination of a minister to serve the said church, called Christ Church, West Hartlepool, should become vested in the said Ralph Ward Jackson, his heirs and assigns; now, therefore, for effectuating the same, the said Sir Matthew White Ridley and the said Henry Richard Ridley, in pursuance and in exercise and execution of the power and authority for this purpose given in and by the 15th section of an Act passed in the 3d Year of the Reign of his late Majesty King Geo. 4, intituled "An Act to amend and render more effectual two Acts passed in the 58th and 59th Years of his late Majesty, for Building and promoting the Building of additional Churches in populous Parishes," and in and by the 15th section of an Act passed in the Session of Parliament held in the 1st and 2d Years of the Reign of Her Majesty, intituled "An Act to amend and render more effectual the Church Building Acts" (both or either of such Acts), and of all powers contained in the said Acts, or any of them, or otherwise in any wise enabling them in this behalf, do, and each of them doth hereby, in exercise and execution of the aforesaid powers, for themselves and himself, and their and his heirs and successors, surrender, and for ever relinquish all his and their respective rights of nomination, presentation, and appointment of a minister to the said church, called Christ Church, West Hartlepool, in the parish of Stranton aforesaid, in favour of the said Ralph Ward Jackson, his heirs and assigns for ever, by the name and style of "the patron of Christ Church, West Hartlepool," in order that the said Commissioners may be better enabled hereafter to assign a district chapelry under the 16th section of the said Act of the 59th Year of his Majesty King Geo. 3, and the 3d section of the said Act passed in the Session of Parliament held in the 2d & 3d Years of the Reign of Her Majesty (both or either of such Acts), and all other powers vested by law in the said Commissioners to the said church, called Christ Church, West Hartlepool. In witness whereof, the said Sir Matthew White Ridley and Henry Richard Ridley, have hereunto set their hands and seals, this 18th* day of March, in the year of our Lord 1856.

* This is the date of the engrossment.

We approve of this draft.

(signed) *John Haggard.*
G. E. Hughes.
H. Bellenden Ker.

Doctors Commons, 7 March 1856.

We, Her Majesty's Commissioners for Building New Churches, and the Right Reverend Father in God, Edward, by Divine Providence, Lord Bishop of Durham, do and each of us doth sanction the surrender made by the within-written deed of the patronage of the within-mentioned church, called "Christ Church, West Hartlepool," by the within-named Sir Matthew White Ridley, Baronet, the patron of the vicarage and parish church of the within-mentioned parish of Stranton, and the within-named Reverend Henry Richard Ridley, the vicar of the said parish of Stranton, to the within-named Ralph Ward Jackson, his heirs and assigns, as in the within-written deed contained. In witness whereof, we, the said Commissioners, have hereunto affixed our common seal, and I, the said Lord Bishop of Durham, have hereunto set my hand and seal this 19th* day of March, in the year of our Lord, 1856.

* This is the date of the engrossment.

We approve of this draft.

(signed) *John Haggard.*
G. E. Hughes.
H. Bellenden Ker.

Doctors Commons, 7 March 1856.

Appendix.

Church Building Commissioners.

West Hartlepool: Christ Church.

Patronage.

LETTER from Rev. *G. T. Fox* to the Commissioners.

RE CHRIST CHURCH, WEST HARTLEPOOL.

Gentlemen, Durham, 27 March 1856.

I UNDERSTAND that an application has been made to you to alter the existing patronage of the above church, and to vest it exclusively in the name of Mr. Ralph Ward Jackson, in consequence of a flaw in the existing deed, by which it is vested in the names of Mr. Swainson, Mr. R. W. Jackson, the Rev. H. W. McGrath, the Rev. John Lawson, and myself.

I beg to state that no communication whatever has been made to me on the subject by Mr. Jackson, and that it is a proposal to which I feel decidedly opposed.

I shall feel much obliged if you will suspend further action in this matter, until time shall have been afforded to lay the case before you.

I remain, &c.
(signed) *G. T. Fox*,
One of the Trustees of Christ Church, West Hartlepool.

LETTER from Rev. *G. T. Fox* to the Commissioners.

RE CHRIST CHURCH, WEST HARTLEPOOL.

Gentlemen, Durham, 4 April 1856.

REFERRING to my letter of the 27th ultimo, I now beg to lay before you some particulars of the case of Christ Church, West Hartlepool.

1. In the year 1852, a new church was commenced in the growing and populous district of West Hartlepool. It was proposed to build it by subscription, and the appeal to the public was liberally responded to.

Shortly before its consecration, another circular was published by Mr. Jackson, giving a list of the subscribers, which amounted to 2,223 *l.*, to which was afterwards added 25 *l.* from the dean and chapter, and 140 *l.* at the opening of the church.

In the body of that circular, which was published in 1854, the following statement is made:

"The amount already subscribed has been about 2,000 *l.*, but a further sum of 1,500 *l.* is still required to meet the outlay for the entire work, and suitably prepare the church for divine service. The additional expenditure has been principally caused by the great increase during the last twelve months in the cost of labour and materials."

2. It was proposed by Mr. Jackson at an early period that the church should be placed in the hands of trustees; many persons contributed to the funds in dependence upon this assurance.

On the 2d April 1853, Mr. Jackson addressed the Rev. John Lawson by letter, of which the following is an extract:

"My dear Lawson,

"* * * * I am reminded that the building is now showing symptoms of completion, and that, consequently, duty compels me to give more attention to the important details of preparation for the service of God in it. You are aware that I have ever wished that the church should be regulated by trusteeship, and I therefore at once approach you with the expression of my hope that you will kindly allow yourself to be one in association with Mr. Swainson and Mr. McGrath (my father-in-law and brother-in-law) and myself. I think it desirable that we should have a fifth trustee, and my mind and wishes point to Mr. Fox, of Durham."

A similar application was made to me; and Mr. Lawson and myself, both feeling a deep interest in the welfare of West Hartlepool, gladly consented to Mr. Jackson's kind proposal.

3. In the next place, the usual consecration deed and other documents were prepared previous to the consecration of the church, which took place in April 1854.

I may here state that all the arrangements, together with the deed creating the trusteeship, were prepared under the direction of Mr. Jackson, of which fact the following extract from a letter written to me by Messrs. Bell, Steward & Lloyd (Mr. Jackson's solicitors), dated 29th March 1856, will satisfy you: "Instructions were sent to us, as agents merely, with request that we would forward them to counsel; we forwarded them accordingly, and the counsel drew up the deed, which, as it came from his hands, went into the country."

4. Previous to the consecration of the church, the trustees agreed upon appointing the Rev. J. H. Burges, curate of Norton, to the incumbency. This was virtually Mr. Jackson's own choice; but was readily acquiesced in by Mr. Lawson and myself, from the favourable opinion we entertained of his character.

5. Since then, a very painful misunderstanding has sprung up between Mr. Jackson and Mr. Burges, leading to a violent quarrel and a lengthened controversy, which rendered Mr. Jackson extremely desirous of ejecting Mr. Burges from his incumbency, if possible, and which

which induced him to use endeavours to persuade Mr. Lawson and myself to unite with him in order to effect that object, which we declined. Into the merits of the dispute, as irrelevant to the present case, I shall not enter.

6. On the 22d January 1856, Mr. Lawson and myself both received a letter from Mr. Jackson, of which the following is an extract:

"My dear Sir,

"It must, I feel, be extremely annoying to you to have been in any manner publicly mixed up with the unfortunate state of things which exists between Mr. Burges, and Christchurch, West Hartlepool, and myself; but as I now find that proceedings of a very decided character must shortly be adopted, I am glad to be able to intimate to you that I will, without giving you any personal trouble, legally arrange to exclude you from any trust connected with the church. I am presuming that this will now meet with your preference, and that I shall hear from you accordingly."

In reply I wrote as follows:

"My dear Sir,

"I am surprised at the proposal your favour of the 22d instant contains, that I should vacate the office of trustee to the West Hartlepool Church. So far from feeling the office a painful or unsatisfactory position, I have always prized it as one which I greatly value, and from which I should be extremely sorry to be excluded. The painful events which have recently arisen in the parish, and which no one can deplore more than myself, are in no way connected with the trustees; and in addition to the extreme dislike I have to interfere in such matters, I feel it an additional inducement to abstain from doing so, that I am a trustee of the church, and that as such it is better not to have to do with a dispute which lies beyond the limits of a trustee's duties, and over which he can have no control. But as to the duties of the office itself, I will at all times endeavour to discharge them to the best of my ability."

It will be seen by the above correspondence that, on the 22d January last, Mr. Jackson recognised Mr. Lawson and myself as co-trustees legally appointed; that in order to release us a legal arrangement was necessary; and that this must be our own act, as one that would "meet our own preference."

It will also be seen that the reply I gave to Mr. Jackson clearly shows in what sense I understood him.

7. It seems, notwithstanding, that Mr. Jackson was at that time acquainted with the fact that the trusteeship was null and void, in consequence of a flaw having been discovered, the nature of which I need not explain, as being already known to you. I cannot, however, refrain from expressing my surprise that a barrister, considered by Messrs. Bell, Steward, & Lloyd as competent to draw up such a deed, should have committed so monstrous a blunder as to ignore an Act of Parliament, already three years in existence, which took away from the Bishop the powers in question, and rendered the whole document invalid, and also at the various other acts of informality which have been committed, such as neglecting to serve a notice upon the patron till within two months of the consecration of the church; omitting to secure from the vicar of Stranton the surrender of fees; besides sundry other mistakes. And when I ask, Who is to blame for these blunders? the only reply that can be made is, They were committed under the administration of Mr. Jackson, who had the management of the whole matter in his own hands.

8. In the next place I beg to state that Mr. Jackson, after having discovered the flaw in the deed, never communicated the fact to Mr. Lawson or myself, and that from the date of his letter, 22d January, until yesterday, 3d April, neither by word of mouth, nor by letter, has he given us the slightest intimation of the fact; although Mr. Lawson and myself spent three hours in his company some weeks ago, endeavouring to arrange the dispute between him and Mr. Burges.

9. During this period, however, it seems that Mr. Jackson, unknown to us, proceeded to secure the patronage of Christ Church, West Hartlepool, to himself, to the exclusion of the other trustees; first, by getting the assignment of it from Sir Matthew White Ridley and the vicar of Stranton; secondly, by obtaining the sanction of the Church Building Commissioners; and lastly, the signature of the Bishop of Durham.

10. With respect to the signature of the Bishop of Durham, I beg to inform you that the Bishop signed the sanction to surrender in total ignorance of its contents, and before he had ever heard that there was a flaw in the trust deed.

This arose from the following combination of circumstances. First, that the Bishop never received from Mr. Jackson any information that the previous deed was invalid. Secondly, that he never received any communication on the subject from the Church Building Commissioners; and thirdly, that his secretary, Mr. Joseph Davison, of Durham, being confined to the house by indisposition, sent the document handed to him by Mr. Jackson over to the Bishop at Auckland, with sundry other documents, for signature, without note or comment, and it was signed by the Bishop, whose decay of sight renders him unable to read, without a knowledge of its contents.

Appendix.

Church Building Commissioners.

West Hartlepool: Christ Church.

Patronage.

The following letter from Archdeacon Raymond, at present staying with the Bishop, to Archdeacon Bland, will confirm this statement upon competent authority:

"My dear Mr. Archdeacon, "Auckland Castle, 29 March 1856.

"Mr. Burges was here yesterday. I saw him for a few moments; but he came late in the day, and what he stated presented a subject so complicated that I could tell him nothing but that I was not myself aware of the Bishop having signed any paper disposing of the patronage of West Hartlepool, and that I was sure he was under the same ignorance. Mr. Davison is the only person who can explain what has taken place.

"Yours, &c., &c.

"*P.S.*—We are very sorry to believe, from what Mr. Gresley has just told the Bishop, that he did submit to the Bishop the document in question on Saturday last, and that it was signed by the Bishop. It had been sent over by Mr. Davison to Mr. Gresley, but without the proper communication to the Bishop of what were its contents, doubtless owing to Mr. Davison's illness; but as there was no hurry, it might better have not been sent over till an opportunity had presented itself to Mr. Davison of explaining the subject to the Bishop, who regrets that it was not so reserved."

11. In the next place, I beg to call your attention to the statement contained in the assignment made by Sir Matthew White Ridley and Mr. Ridley, that "of the subscription to the said church, the said Ralph Ward Jackson contributed upwards of two-third parts." With all due respect to Mr. Jackson, I would beg to submit that this statement is singularly at variance with certain other documents put forth under his sanction.

In the first place, in the consecration deed, the cost of the church is stated at 3,000 *l.*; he now says the cost is 6,885 *l.* In the next place, Mr. Jackson published a circular in 1854, just before the consecration of the church, an extract from which I have given in paragraph 1, by which it appears, that he estimated the cost of the church at 3,500 *l.*, and stated the amount of subscriptions to be 2,223 *l.*; of which his own was 200 *l.* I think it was due to his co-trustees, and to the subscribers, to have published an account of the receipts and expenditure when the church was completed, which has never been done.

And I conceive that this is also due to the Commissioners for Building Churches, inasmuch as their sanction has been based upon the statement above referred to embodied in the deed of assignment; and I would respectfully enquire whether that document can be valid, if it should appear that so important a statement was not legally correct. I do not wish for a moment to call in question Mr. Jackson's veracity, but I can easily conceive that there may be a material difference between the mode in which he has calculated the cost of the church, and that which would be legally valid. At all events I am entirely in the dark, and unable to comprehend how the church which, when consecrated, was declared to have cost only 3,000 *l.*, can have cost 6,885 *l.*

12. I beg to inform you further, that no part of the endowment fund was provided by Mr. Jackson, but the whole, viz., 1,000 *l.*, by Mrs. Surtees, of Mainsforth, which, in accordance with the requirements of the trust deed, ought to have been invested after the manner therein stated. This has not been done, and I was only informed yesterday by Mr. Jackson that the endowment fund, for which the five trustees are responsible, is still in Mr. Jackson's own hands.

I am under the convictions that however faulty the trust deed may be for other purposes, so far as the joint possession of the endowment fund is concerned, it still holds good, and can only be determined by the joint act of the five trustees.

13. In conclusion I beg to state, that Mr. Lawson and myself have both felt hurt at the clandestine character of the proceedings taken by Mr. Jackson, considering that in ordinary courtesy we ought in the first place to have been informed of the discovery of a flaw in the deed; whereas our existence and status have been wholly ignored throughout the whole process, and ourselves left in total ignorance till it was too late to enable us to put in our claim for the restoration of our rights.

In the next place, we are both of opinion that there was only one honourable course that could have been pursued by Mr. Jackson under the circumstances, viz., to have taken steps to place the trusteeship, as originally constituted, in a legal condition.

Mr. Jackson may fairly be said to have been the author of all the mistakes which have occurred, inasmuch as they took place under his administration, control and management, and not under ours; and when he first discovered the flaw, he should have taken steps, not to possess himself of the sole patronage, which in connexion with his quarrel with Mr. Burges, assumes a still more painful aspect, but as soon as possible to have replaced the document, which, owing to his agent's ignorance or inattention, was faulty, with one correct and legal.

Our conviction on this point is strong; after mature reflection, we can see it in no other light.

As an act of friendship, I would gladly do anything in my power to gratify Mr. Jackson's wishes, but I cannot view the trusteeship as a personal matter; it is a public office and trust, involving a high degree of responsibility which I could not discard, nor in justice to the subscribers, the other trustees, or our church, consent to vacate the office, and surrender the patronage into the hands of an individual patron.

I may be told that I am *functus officio*, and have no *locus standi*; this may be so legally, perhaps, but certainly it is not so in equity, honour or morality; and I consider that as one of the trustees, I am justified in appealing to you, Her Majesty's Commissioners, to the Bishop of Durham, and to Mr. Ralph Ward Jackson, to be reinstated in the office of trustee to Christ Church, West Hartlepool, from which by no fault of mine I have been unjustly excluded.

I have, &c.

(signed) *G. T. Fox.*

LETTER from Rev. *John Lawson* to the Secretary.

Sir, Seaton Carew, Stockton-on-Tees, 28 March 1856.

PARSONAGE.

Two years ago Christ Church, West Hartlepool, was duly consecrated by the Bishop of Durham, and the patronage vested in five trustees.

It has just come to light that one of those trustees, Mr. Ralph Ward Jackson, without any previous communication whatever on the subject with his co-trustees, has been engaged in an attempt to secure the patronage of the church in his own hands, as sole patron, alleging, as I understand, that he has discovered a flaw in the trust deed, by which its validity has been nullified. As one of the trustees of the church, I write to protest, in the strongest manner possible, against his proceedings; and I write to request that the Church Commissioners will take no steps to forward Mr. Jackson's design, until time has been afforded to the trustees to lay the merits of the case fully before them.

I remain, &c.
(signed) *John Lawson*,

Incumbent of Seaton Carew, and one of the Trustees of Christ Church, West Hartlepool.

LETTER from Rev. *John Lawson* to the Commissioners.

Gentlemen, Seaton Carew, Stockton-on-Tees, 4 April 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

I HAVE perused the letter which the Rev. G. T. Fox has addressed to you, and fully accord with him in all he has therein expressed; I desire, in addition, still more strongly to express myself in reference to Mr. Jackson's statement, that he has contributed more than two-thirds of the cost of building the church.

The cost, as stated by Mr. Jackson in the circular published by him just before the consecration, was 3,500 *l.* (of which amount he professed to have contributed only 200 *l.*) He now asserts it to be 6,885 *l.*

It is impossible to go minutely into details without Mr. Jackson's publishing the particulars, which he has never yet done; but to show that there are good grounds for questioning the correctness of the statement, that he has contributed (upwards of) two-thirds of the cost of erection, I beg to lay before you a rough estimate, premising that a large proportion of the amount named by Mr. Jackson must have been for items not legally comprised under the head of cost of erection, and which therefore ought to be deducted from it.

	£.	£.
Total expenditure, according to Mr. Jackson's account - - -		6,885
Add, for site, lime, stone, and dressing ditto, given by the West Hartlepool Dock Company - - - - - - - - -		2,000
		£. 8,885
Deduct probable cost of iron railing, organ, gas fittings, warming apparatus, &c. (not properly included) - - - - - -		1,200
		£. 7,685
Subscriptions - - - - - -	£. 2,388	
Deduct Mr. Jackson's subscription - -	200	
	£. 2,188	
Gift of site, lime, stone, and dressing do. (at least)	2,000	4,188
		£. 3,497

Total cost - - - - -	£. 7,615
Mr. Jackson's proportion - - -	3,497

not (as is stated) "more than two-thirds," but considerably less than one-half.

This is taking Mr. Jackson's own figures, adding only the estimated value of the Dock Company's grant; we have yet, however, to learn whether the cost of dressing the stone, which was undertaken by the Dock Company, is not included in the amount, 6,885 *l.*

It seems utterly impossible that a church, which was stated to have cost 3,500 *l.* previous to consecration, can actually have cost 6,885 *l.*, besides the cost of dressing the stone.

I beg to submit, therefore, that Mr. Jackson's statement must be proved to be strictly and legally correct, as to his having contributed (upwards of) two-thirds of the cost; failing which, the deed of assignment of patronage which has been executed in his favour by Sir M. W. Ridley and the Rev. H. Ridley, and which embodies that statement, must be faulty and defective.

Appendix.

Church Building Commissioners.

West Hartlepool: Christ Church.

Patronage.

In conclusion, I may be allowed to express my regret that no communication was made to myself and the other trustees, by the Commissioners, previous to giving their confirmation to the new deed of patronage, and that thus we were deprived of all opportunity of maintaining our position, and were debarred from availing ourselves of that legal assistance to which we should otherwise most undoubtedly have had recourse.

I have, &c.
(signed) *John Lawson,*
Incumbent of Seaton Carew.

Extract from the Proceedings of Her Majesty's Commissioners for Building New Churches, at a Board held on the 8th of April 1856.

Read, Two letters from Messrs. Bell, Steward & Lloyd, dated Lincoln's Inn Fields, 14th and 19th March 1856, relative to the patronage of Christ Church, West Hartlepool, in the parish of Stranton, Durham.

The Secretary reported that, in pursuance of the order of the last Board, he had affixed their common seal to the instrument in duplicate, vesting the patronage of the said church in Mr. Ralph Ward Jackson, his heirs and assigns, and had given the documents to Mr. Bell, for the purpose of being signed and sealed by the Bishop of Durham.

Read also, Letters from the Rev. John Lawson and the Rev. G. T. Fox, dated 27th and 28th March and 4th April 1856, protesting against the patronage being so vested, and requesting the Board to suspend further action in the matter.

The case and opinion laid before the last Board was again considered.

Ordered, That the Rev. John Lawson and the Rev. George T. Fox be informed the Board have been advised that the sentence of consecration of the church only is valid in this case, and that every other proceeding is null and void, and that in consequence thereof the right of nomination to Christ Church lapsed, and became legally vested in the incumbent of Stranton, who having consented, with the concurrence of the patron of the living, to vest the patronage of Christ Church in Mr. R. W. Jackson, his heirs and assigns, the Board did not feel that they could properly withhold their assent to the surrender, and that, having sealed the instrument, they have now no power to disturb the arrangement

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Letter from Secretary to Rev. *G. T. Fox.*

Sir, Church Commissioners' Office, 16 April 1856.

Having submitted to Her Majesty's Commissioners for Building New Churches your letters of the 27th ult. and 4th instant, relative to the patronage of Christ Church at West Hartlepool, in the parish of Stranton, I am directed to inform you that the Board have been advised, by their own standing counsel, and by two civilians of Doctors Commons, that the sentence of consecration of this church only is valid, every other proceeding relative thereto being absolutely null and void; and, that in consequence thereof, the right of patronage to Christ Church lapsed to, and became legally vested in, the incumbent of the parish of Stranton, who alone was enabled, under the powers of and for the purposes contained in the Church Building Acts, to surrender that patronage to any body or person whomsoever, with no other consent than that of the patron of such parish, and with the sanction also of the Commissioners and the Bishop of the diocese.

In this instance, therefore, the Board have done nothing beyond giving their formal assent, which, under the circumstances, it did not appear to them they could properly withhold, to the surrender, by the incumbent of Stranton to Mr. R. W. Jackson, his heirs and assigns, of the perpetual right of patronage to Christ Church; and that, having signified such assent by affixing their common seal to the requisite instrument, the Board have now no power to disturb that arrangement.

I am, &c.
(signed) *Thos. Beachcroft.*

Note.—A duplicate of the foregoing letter to the Rev. G. T. Fox was also sent by the Board, on the 16th of April 1856, to the Rev. John Lawson, in answer to his letters of the 28th of March and the 4th of April 1856.

Letter from *Joseph Davison,* Esq., to the Commissioners.

My Lords and Gentlemen, Register Office, Durham, 15 May 1856.

Christ Church, West Hartlepool.

I shall be obliged if you will have the goodness to send me a copy of the instrument vesting the patronage of this Church (Christ Church, West Hartlepool) in Mr. Ralph Ward Jackson, under the 14 Vict. cap. 97.

I have, &c.
(signed) *Joseph Davison.*

LETTER from Secretary to Messrs. *Bell, Steward & Lloyd.*

Gentlemen, Church Commissioners' Office, 16 May 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

I BEG to send you a copy of a letter from Mr. Joseph Davison, of the Diocesan Registry, Durham, respecting the above church, and have to request that, if the instrument of surrender, which was sealed by the Board in duplicate, has been also so signed and sealed by the Bishop of the diocese, you will return one part to this office to be sent to Mr. Davison, but if one part only has been completed I will thank you to send me an attested copy thereof to enable the Board to comply with Mr. Davison's request.

I am, &c.
(signed) *Thos. Beachcroft.*

LETTER from Messrs. *Bell, Steward & Lloyd* to the Secretary.

Sir, 49, Lincoln's Inn Fields, 16 May 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

IN reply to your letter of this day, we beg to inform you that the Bishop of Durham did not execute the sanction to the surrender of patronage in duplicate. The original, with the Bishop's signature and seal, is in Mr. Jackson's possession, but we happen to have an attested copy in our office which we enclose for your use as requested.

We have, &c.
(signed) *Bell, Steward & Lloyd.*

LETTER from the Secretary to *Joseph Davison*, Esq.

Sir, Church Commissioners' Office, 17 May 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

IN answer to your letter of the 15th instant, requesting a copy of the instrument vesting the patronage of the above church in Mr. Ralph Ward Jackson, I beg to enclose the same, and will thank you to acknowledge its receipt.

I am, &c.
(signed) *Thos. Beachcroft.*

LETTER from *Joseph Davison*, Esq., to the Commissioners.

My Lords and Gentlemen, Registry Office, Durham, 22 May 1856.

CHRIST CHURCH, WEST HARTLEPOOL.

I BEG to acknowledge receipt of attested copy of the instrument vesting the patronage of the above church in Mr. Ralph Ward Jackson, for which I am obliged.

I have, &c.
(signed) *Joseph Davison.*

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TO

REPORTS

FROM THE

SELECT COMMITTEE

ON

ECCLESIASTICAL COMMISSION, &c.

Ordered, by The House of Commons, *to be Printed,*
18 *July* 1856.

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2. *Accounts of Chapters; Amendment desirable.*
3. *Provision of fixed Incomes.*
4. *Augmentations in the Years* 1853-55.
5. *Capitular Receipts and Expenditure generally.*

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2. *Exceptions taken to the Views of the Ecclesiastical Commissioners, in not granting the Right of Renewal.*

1. *Practice hitherto in regard to Renewal, &c., in the Case of Copyhold Property in Worcester:*

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Cuthbert, St., District (*Durham.*) Statement as to the refusal of the Commissioners to accede to applications in 1844, 1853, and 1854, for the endowment from certain sources of the proposed district of St. Cuthbert, in the parish of St. Margaret Durham, *Chaytor* 2765-2792——Importance of a new church for this district, *ib.* 2767. 2789-2792——Circumstance of the Commissioners having been willing to accede to the endowment of St. Cuthbert's District, provided tithes were purchased for the purpose, instead of a reversionary grant being made; this was found impracticable, *ib.* 2774-2785. 2957-2959——Purchase by the Dean and Chapter, since the application with respect to St. Cuthbert's District, of the lessee's interest in a small property at Ferry Hill, *ib.* 2957-2959——Correspondence in 1856 relating to the augmentation of the endowment of St. Cuthbert's Benfieldside new parish, *App. First Rep. p.* 298, 299.

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Letter from Mr. Cundill, incumbent of St. Margaret's, Durham, to the Secretary of the Ecclesiastical Commissioners, dated 27 November 1844, applying for the endowment of the proposed district of St. Cuthbert's, *App. First Rep. p.* 313——Local answers in 1844 to the queries issued by the Commissioners on the application for constituting a new district, *ib.* 313, 314. 317-319.

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One great evil resulting, in Newcastle-upon-Tyne, from the practice of the Commissioners endowing districts, and not giving the vicar compensation, is, that the Dissenters are leaving the thickly-populated and worst parts of the town, and building chapels in the fashionable parts; evidence hereon relative to a chapel-of-ease at Westgate having been sold to Dissenters, there not being church means to maintain it, *Moody* 5017–5022. 5026–5029.

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Witness has read the evidence given by Messrs. Pott and by Mr. Paynter, before Lord Harrowby's Commission, and also before the Committee of the House of Lords, 3446——Grounds on which witness has formed the opinion that the interest of the sub-lessees was clearly the largest interest, and the interest of the lessee merely a rents charge, *ib.*——Reference to an interview which took place in January 1855 between witness and Messrs. Pott, and their solicitor; the surveyor of the see and Mr. Smith, the surveyor of the Church Estates Commission, also attended, 3446–3450——The

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meeting was with a view, if possible, to arrive at some mode by which the property should be enfranchised; but no terms could be come to, 3449, 3450.

Witness does not consider that the Act of Parliament prescribes any definite terms of enfranchisement with respect to house property, 3451-3453 ——The question which witness entertained was simply the question, whether the enfranchisement should be to the lessees or to the sub-lessees, 3453——Witness felt strongly that the sub-lessees, having expended their money on the property, ought to have some consideration, 3453-3464.

There is nothing in the leases from the Bishop to the lessee which at all obliges the lessee to enter into any particular contract or covenants with his sub-lessee, 3456—— But witness imagines that the 3d section of the Act 14 & 15 Vict. c. 104, must be interpreted with reference to the covenants which have been entered into by the sub-lessees in their leases from the lessees; these covenants are extremely stringent, 3456-3464——Reasons why witness considers that, in the event of enfranchisement, the sub-lessees should be consulted; witness feels that the sub-lessees ought to be protected, 3465-3478. 3480-3490. 3495.

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Witness considers that the case of this property is such an exceptional one, that it is a very fit case for consideration, whether it ought not to have some specific enactment directed towards it, 3494——Opinion that the sub-lessees would not have made such contracts as they have done, had they thought that enfranchisement to the lessee was probable, 3496-3503.

DURHAM:

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4. *System of Chapter Accounts considered.*
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6. *Assignment of Patronage of Christ Church, West Hartlepool.*
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11. *Annuity to the Bishop in lieu of certain transferred Estates.*
12. *Maltby Fund.*
13. *Correspondence, &c., relative to particular Augmentations or Endowments sought for from the Commissioners.*

1. *As to the Mode of Management of the Capitular Estates:*

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1. *As to the Mode of Management of the Capitular Estates*—continued.

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2. *Practice as to Enfranchisements; Number and Cost thereof:*

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3. *Augmentations by Dean and Chapter, and by Ecclesiastical Commissioners:*

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Examination on the Return (*App. First Rep. p.* 286), of the sums received by the Commissioners from the diocese of Durham, and of the sums expended in the diocese during the years 1836–1855; this return prepared according to Mr. Mowbray's requisition, does not give a true view of the case, *Chalk* 3050–3066——According to this return, the receipts were 335,309*l.* 8*s.* 8*d*, and the expenditure, 72,196*l.* 9*s.* 1*d.*, besides a transfer of land and tithes of the fee-simple value of 92,890*l.*, to the University of Durham, and certain livings in the diocese, *ib.* 3050. 3052, 3053, and *App. First Rep., p.* 286——There is also a receipt of 21,275*l.* 8*s.* 4*d.*, and an expenditure of 16,170*l.*, on account of the Maltby Fund, *ib.* 3051, and *App. First Rep., p.* 286——The receipts do not comprise the sum of 92,890*l.*, which was transferred to the University of Durham, and to certain livings in the diocese, *ib.* 3053–3061.

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4. *System of Chapter Accounts considered:*

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4. *System of Chapter Accounts considered*—considered.

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5. *Question of Re-distribution of Patronage:*

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Letter from the Bishop of Durham to Mr. Lefevre, dated 21 June 1851, submitting several reasons against the removal of any of the patronage vested in the see of Durham, *App. First Rep., p.* 260, 261.

Communication from the warden and senate of the University of Durham, representing the claims of the university to be considered in the matter of the patronage of the see, *App. First Rep., p.* 261.

Statement on the part of the Ecclesiastical Commissioners, showing their non-recognition of any claim by the university in the matter in question, *App. First Rep., p.* 262.

Letter from Archdeacon Thorpe, dated 27 March 1854, and memorial of the clergy of the Archdeaconry of Durham, praying that the patronage of all preferments now vested in the bishop be retained in the see, *App. First Rep., p.* 263.

Reply on the part of the Ecclesiastical Commission to the foregoing, to the effect that in any re-distribution of the patronage, the Commissioners will comply to the best of their ability with the directions contained in the fortieth proposition of the first section of the Act 6 & 7 Will. 4, c. 77, *App. First Rep., p.* 263.

Letter from Mr. Mowbray to the Commissioners, dated 10 July 1854, and memorial signed by many of the most influential persons in the county, praying that the patronage of all preferments now vested in the Bishop of Durham within the diocese, be retained to the see, and further requesting, that none of the ecclesiastical revenues remaining to the diocese be taken away to other dioceses, until the spiritual wants of the said diocese are fully supplied, *App. First Rep., p.* 264. 347, 348.

Reply to the foregoing to the same effect, as regards the first request, as the reply to the memorial of the clergy of the Archdeaconry, and as regards the second request, to the effect that the claims of places in Durham will be considered in common with similar ones in other dioceses, *App. First Rep., p.* 264, 265. 348, 349.

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6. *Assignment of Patronage of Christ Church, West Hartlepool:*

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7. *Offer of Benefaction by the Duke of Northumberland:*

Examination relative to a recent offer by the Duke of Northumberland, of two munificent sums to relieve the spiritual destitution within the county of Northumberland, on condition of a like grant from the Ecclesiastical Commissioners; refusal by the latter body, as not having any surplus funds applicable to the purpose, *Right hon. S. H. Walpole* 4835-4850.

Correspondence in 1856 between the Duke of Northumberland and the Ecclesiastical Commissioners, relating to the spiritual destitution of the diocese of Durham; proposed large benefaction on certain terms by the Duke of Northumberland; the same not accepted, *App. Third Rep., p.* 211, 212.

8. *Houses*

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8. *Houses of Suspended Canonries:*

Belief that there has never been any application from the Dean and Chapter of Durham as to the residences of suspended canonries, *Chalk* 672——Correction of former evidence; there have been two applications from the dean and chapter, and the houses were disposed of in the usual way, *ib.* 727, 728.

9. *Income and Expenditure of the Chapter:*

In 1855 the income of the chapter was 60,000 *l.*; probable gradual decrease of this income by the exhaustion of the mining property, *Chaytor* 2896–2902——The local expenses of the chapter are about 18,000 *l.* a year, *ib.* 2903, 2904.

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10. *Fixed Income now allotted to the Dean and Chapter:*

Arrangement eventually entered into with the Dean and Chapter of Durham; income apportioned to them, *Chalk* 418; *Smith* 2396–2399. 2417–2420——Explanation as to the dean and chapter not having been specifically informed at the time, of the amount of the principal sum in right of which they were to receive their allotted income, *Smith* 2400 *et seq.*

There are now nine members of the chapter of Durham, *Chaytor* 2892——Under the new arrangement there will be a dean with 3,000 *l.* a year, and six canons with 1,000 *l.* a year each, *ib.* 2893–2895——Belief that a transfer absolutely to the Dean and Chapter of Durham of a limited estate sufficient to meet their regulated income, would be satisfactory to them, *ib.* 3020–3025.

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11. *Annuity to the Bishop in lieu of certain Transferred Estates:*

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12. *Maltby Fund:*

Annual sums, to the amount altogether of 21,275 *l.* have been voluntarily supplied to the Commissioners by the Bishop of Durham for the erection of parsonage houses in this diocese, *Right hon. Earl of Chichester* 6–13——There is a considerable balance unexpended, *ib.* 10——Reasons for about 5,000 *l.* of the fund provided by the Bishop of Durham being still unexpended, *ib.* 275–282.

Rules upon which grants are made out of the fund; general concurrence of the bishop therein, *Right hon. Earl of Chichester* 277–282. 323–327——The fund is only expended to meet benefactions from other sources, so that as the Commissioners do not grant more than 400 *l.* towards a parsonage house, a similar amount or more must be made up from other sources, else the application for a grant is refused, *ib.* 277–282.

Total of 21,275 *l.* 8 *s.* 4*d.* received from the Bishop of Durham in the years 1836–1855, *App. First Rep., p.* 286——Total of 16,170 *l.* expended out of the fund in the same period, *ib.*

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13. *Correspondence, &c., relative to particular Augmentations or Endowments sought for from the Commissioners:*

Correspondence in January and February 1856, relating to the augmentation of the endowments of St. Cuthbert's, Benfieldside new parish; application for augmentation not granted by the Commissioners, on the ground that they have no general fund applicable to the purpose, *App. First Rep., p.* 298, 299.

Correspondence in 1854 and 1855 relating to the constitution and endowment of the proposed district of Spennimoor, to be taken out of the parishes of Brancepeth, Whitworth, Merrington and Ferryhill; the Commissioners do not admit that the circumstances of the case are of such exceptional nature as to justify them in the endowment of the district, *App. First Rep., p.* 299–312.

Correspondence, &c. in 1844, and again in 1853–54, relating to the constitution and endowment of the proposed district of St. Cuthbert's, Durham, to be taken out of the parish of St. Margaret, Durham; requirement by the Commissioners that certain leasehold interest be bought up as the means of endowment; this course found impracticable by the chapter, *App. First Rep., p.* 313–323.

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13. *Correspondence, &c., relative to particular Augmentations, &c.*—continued.

Correspondence relating to the constitution and endowment of the proposed district of Coxhoe, to be taken out of the parishes of Kelloe and Bishops Middleham; the Commissioners decline to endow as not having any fund applicable for the purpose, *App. First Rep., p.* 324-328.

Correspondence relating to the annexation of certain land by the Dean and Chapter of Durham to the perpetual curacy of Holy Island; refusal of the Commissioners to permit a grant of property in reversion, as proposed by the dean and chapter, *App. First Rep., p.* 329-335.

Correspondence relating to the augmentation of Newcastle-upon-Tyne, St. Nicholas vicarage with Gosforth chapelry; All Saints perpetual curacy, St. Andrew's perpetual curacy, and St. John's perpetual curacy; sundry urgent letters and memorials replied to by the Commissioners, to the effect that they cannot grant the augmentations and endowments sought for, *App. First Rep., p.* 336-347.

See also *Benfieldside New Parish.* *Brompton, North Allerton.* *Gateshead.* *Jarrow Docks.* *Newcastle-upon-Tyne.* *Oswald St.* (*Durham*).

E.

Ecclesiastical Commission. Witness has been a member of the Commission since 1840, *Right Hon. Earl of Chichester* 1, 2——Constitution of the Commission in 1836 and 1840, and at the present time, *ib.* 3-5——In 1850 three *ex-officio* members, called Church Estate Commissioners, were added to the general Board, *ib.* 3——The Board have power to frame rules for the guidance of the Estates Committee, but have in point of fact never done so, *ib.* 3. 117——Five Commissioners, of whom two must be Church Estate Commissioners, form a quorum of the Board, *ib.* 3. 118——The Commissioners have made scarcely any grants since the appointment of the Estates Committee in 1850, *ib.* 6. 14, 15 ——Advantage in the discussions by the general Board of all matters not directly affecting the management of estates; confidence thus given, *ib.* 150. 156-161.

Particulars as to the general meetings of the Board, from the commencement of the year 1851 to the end of 1855, *First Rep. p.* 14——Names of the several Commissioners, and attendance of each at the meetings, *ib.*

Security to the clergy in the supervision of the Estates Committee by the general Board, including the bishops; evidence of Lord Chichester adverted to hereon, *Chalk* 583-593.

Witness has been one of the Ecclesiastical Commissioners since 1846 or 1847; is also a member of the Church Estates Committee, *Lefevre* 1820-1823——He considers that the Ecclesiastical Commission, since the last Act, has worked exceedingly well, and that the interests of the Church, of the lessees, and of the public, have been duly consulted, *ib.* 1826. 1833, 1834——Extent to which the Commissioners generally exercise control over the actions and reports of the Estates Committee, *ib.* 2272-2274.

Witness is a member of the Ecclesiastical Commission, and also of the Estates Committee, *Right Hon. S. H. Walpole* 4687, 4688——Witness does not see how the Ecclesiastical Commission can be otherwise than a permanent body; connexion between this Commission and the Church Estates Commission and Estates Committee, *ib.* 4901-4908.

Witness anticipates that all the chapters and all the sees will be provided with adequate landed estates, and that the debt owing to Queen Anne's Bounty will also be liquidated before the year 1880, and it will then be open to Parliament to reconsider the appropriation also, *Smith* 5149-5156.

Observations of the Committee on the present constitution of the Ecclesiastical Commission, *Third Rep. p.* iv.

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ENFRANCHISEMENT:

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2. *Generally as to the Course pursued by the Estates Committee.*
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4. *Extent of Property Enfranchised.*
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8. *Objections to a Compulsory System: adequacy of Voluntary Enfranchisement.*
9. *Suggested extension of Leaseholds as granted for* 21 *years, up to* 1880, *and no further.*

1. *Origin of the System in the Suggestions of Mr. E. J. Smith:*

Witness, when giving evidence before the Committee of the House of Lords upon the Church Estates Management Bill, suggested the substitution of a system of enfranchisement for that of raising a rentcharge on the property, as contemplated by the Bill, *Smith* 731–735——The Committee made a report in accordance with witness's suggestions, and an Act was immediately passed, by which the three Church Estates Commissioners were constituted a separate Board for the purpose of sanctioning agreements for enfranchisements voluntarily made with ecclesiastical corporations, *ib.* 736–739.

2. *Generally as to the Course pursued by the Estates Committee:*

Course pursued by the Estates Committee, in accordance with the recommendations of the Lords' Committee in 1851, upon Church Estates Management, as regards the enfranchisement of leaseholds; considerable satisfaction given thereby both to ecclesiastical corporations and lessees, *Right Hon. Earl of Chichester* 52–54. 57–61. 65. 68–78. 125——Few enfranchisements previously to 1851, the arrangements not having given satisfaction, *ib.* 62–64——Almost similar receipt and expenditure in the case of enfranchisements of estates and purchases of leaseholds, *ib.* 106——Reluctance of the Commissioners to enfranchise in all cases on account of the payments to the chapters pending the retransfer of the estates, being often in excess of the receipts of the Commissioners for rent or interest, *ib.* 203, 204. 207–215.

The Commissioners have never renewed a lease in case of property vested in themselves, *Chalk* 632; *Smith* 5103–5109——Attendance of witness at the meetings of the Estates Committee, *Smith* 740. 781——In the case of sale to the lessee the surveyors to the Commission name the price required, which, if the lessee decline to accept, the Estate Committee offer to purchase his interest, *ib.* 796–803.

Case of Mr. Denison adverted to as showing the course adopted in the event of a difference about annual value between the lessee for a term uncertain and the Estates Committee, *Smith* 821, 822; and *App., First Report, p.* 365–374——Statement showing that the Church Estates Commissioners have acted in accordance with witness's opinion, that in nine cases out of ten the Church Estates are such that it is more desirable to sell than to purchase, *Smith* 1001–1003——With regard to nine applications for enfranchisement to the Church Estates Commissioners, in which the proposals have been refused, witness suggests that four cases be printed in detail as illustrating the causes of refusal, *Smith* 1207–1212; and *App. First Rep., p.* 424 *et seq.*——A case shall also be prepared in which the proposal was refused at first, and subsequently accepted, *Smith* 1213; and *App. First Rep., p.* 413.

Moral obligation on the Commissioners to enfranchise, or to offer to purchase the lease; they do, in fact, always offer to buy or sell, *Lefevre* 2231–2234. 2242. 2244——Official mode of estimating and checking the sums to be paid for particular enfranchisement, *Aston* 2321, 2322——The desire for sale is not on the side of the church, but on the side of those parties who hold the property, *Smith* 3398–3401——The Ecclesiastical Commission and the Estates Committee have been fully carrying into operation the intention of the Lords' Committee, that the beneficial ownership of the church property, which is now divided between the church and its beneficial lessee, should in some cases be wholly vested in the one, and in other cases in the other, according to the circumstances of the property, *Right Hon. S. H. Walpole* 4689.

Full opportunity given to the lessees of church property to buy the reversion of the property, *Right Hon. S. H. Walpole* 4689——Opinron that, with regard to the sale of

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2. *Generally as to the Course pursued by the Estates Committee*—continued.

reversions, where there are as many as three lives remaining, the Commissioners, if applied to, would not refuse such a sale, *Right Hon. S. H. Walpole* 4690——They would, however, so manage them that the church would not be a loser by such sale, *ib.* 4690–4693——There is no objection whatever to enfranchisement where the property is under the control of the Commissioners, *ib.* 4824, 4825.

Correspondence relative to enfranchisement, &c. of certain lands, &c., showing the grounds upon which the Commissioners accept or refuse the offers of the lessees, *App., First Rep. p.* 413 *et seq.*

3. *Statement as to the Terms or Basis of Enfranchisement:*

Hardship at present in not properly allowing for the accustomed right of renewal, *Smith* 814, 815. 913. 921–924. 938–944. 954; *Hall* 3822. 3843——Witness does not agree with the Church Estates Commissioners in their report, that the value of a partial interest should be taken at the same rate as the calculation of the value of the fee, *Smith* 3314——The recommendation of the Committee of the House of Lords was, that "if the bishop or capitular body agree to enfranchise, the price to be paid for the enfranchisement shall be the value of the fee-simple, deducting the value of the lease at the same rate of interest," *ib.* 3314–3322——The Committee confined their recommendation to farms, and to tithe rent-charges, *ib.* 3323.

How far the difference of interest with respect to landed property and farms arises from the difference of risk in the two descriptions of property, *Smith* 3333–3356——Witness would suggest that the church should sell her reversions in landed estates at the end of thirty years at a discount of three per cent; except the reversion were sold at this discount it would be impossible for the church to stand in the same position at the end of the term, *ib.* 3360–3382——Grounds on which witness forms the opinion that, speaking as a general rule, the present rate of interest to be obtained cannot be reckoned above three per cent., *ib.* 3402–3410——Even in the event of the purchase of freehold landed estate, owners cannot ordinarily look to receive more than $3\frac{1}{2}$ per cent., *ib.* 3410, 3411.

Mode of enfranchisement which the Commissioners have adopted; how far it is just and fair to both parties, *Hall* 3818–3822. 3829–3837——Evidence showing that the recommendation of Lord Harrowby's Commission was equivalent to giving the lessee a moiety of the estate, to which, on account of the right of renewal, witness considers he was entitled, *ib.* 3823–3828——Way in which Lord Harrowby's Commission gave this advantage, *ib.* 3823——Explanation of the difference between this mode and the present mode of acting founded upon the Report of the Lords' Committee of 1851, *ib.* 3823, 3824——The Lords' Committee give only the dry interest he would have in the lease, *ib.* 3826.

Supposing the terms of the Ecclesiastical Commissioners to be fair, enfranchisement is an arrangement advantageous to all parties; suggestions as to what should be done to make the mode of enfranchisement fair and equal, *Hall* 3829–3837——Opinion that the lessees should have the choice of the basis of compensation between the two bases mentioned in the Act of Parliament, *ib.* 3838——The Commission is always ready either to sell or to purchase the leasehold upon the terms of giving the lessee his interest at $3\frac{1}{2}$ per cent., and taking the property at thirty years' purchase, *ib.* 3840–3848——This is a perfectly fair condition, so far as it goes, *ib.* 3842.

4. *Extent of Property Enfranchised:*

There have been about 1,300 enfranchisements since the Act 14 & 15 Vict. c. 104, *Right Hon. Earl of Chichester* 65——Immense extent to which church property has been enfranchised through the Commission, *ib.* 125——Large increase of land in the hands of the Commissioners as the enfranchisements are concluded, *ib.* 181–184.

Statement of the Committee that the recommendations of the Committee of 1839 for the substitution of a fee-simple for a leasehold tenure have been carried into effect within the last five years by enfranchisements relating to property of the value in fee-simple of seven millions of money, *Third Rep.* v.

5. *Cost of Enfranchisement:*

Advantage of the cost of the valuation or of originating enfranchisement could be limited, the present expense of valuation being a great obstacle to enfranchisement, *Chaytor* 2861–2869. 2885–2891——Costs of particular cases of enfranchisement by the Dean and Chapter of Durham adverted to as showing that they have amounted to ten, sixteen and thirty per cent. of the money paid, *ib.* 2918–2936.

Evidence in detail relative to the cost of enfranchisement, *Pidcock* 3982–3997. 4003–4005——Opinion that the Church Estates Commissioners ought to pay the expenses of enfranchisement out of the funds in hand, *ib.* 4006–4019.

Statement of costs paid in respect of enfranchisements effected under the sees of Canterbury and York, and also under the Dean and Chapter of Durham, *App. First Rep., p.* 454,

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5. *Cost of Enfranchisement*—continued.

p. 454, 455——Average costs; viz., in the see of Canterbury, 12 *s.* 8 *d.* per cent.; in the see of York, 12 *s.* 10 *d.* per cent.; and in the case of the Dean and Chapter of Durham, 25 *s.* 2 *d.* per cent., *App. First Rep., p.* 454, 455.

6. *Advantages of the System gain to the Church thereby:*

Successful working of the system of enfranchisement carried out by the Estates Committee, the terms being satisfactory to the lessees and advantageous to the church, *Smith* 741–753. 771, 772. 781–787. 813——Difference between the terms proposed in the Report of the Episcopal and Capitular Revenues Commission and the terms which have been acted upon, as suggested by witness; gain to the church of about 60,000 *l.* a year for church extension by the substituted plan, *ib.* 744–753. 771, 772——Increase of the income and interest of the church by the carrying out of enfranchisements, *ib* 1064–1069——In all cases of enfranchisements both parties have certainly been gainers, *ib.* 1163–1168——Worse position of tenants who do not enfranchise before the expiration of two years hence than of those who are now willing to enfranchise, *ib.* 1176–1180.

Approval of the principle of enfranchisement, and of subsequently buying other property to be let at rack-rent, *Chaytor* 2963–2966——Undoubted advantage to the lessee as well as to the lessor, of system of fair enfranchisement, *Hall* 3830, 3831——Witness trusts to live to see the day when all church property will be enfranchised, *Pidcock* 3934–3945——A great advance has been made in this direction under the Ecclesiastical Commission, *ib.* 3946, 3947.

General computation of the amount of interest at present derived from the estates of chapters under the existing leasing system; estimated increased rate of interest that will be obtained on the property by the system of enfranchisement, *Smith* 5085–5098.

7. *Improvement if it were Compulsory:*

Witness would compel corporations to enfranchise in the same way as he would compel the church, *Pidcock* 3934–3937——Leaseholders generally should be converted into freeholders upon fair terms, on account of the present usage of renewal, *ib.* 3938–3944 Witness would make it compulsory on the owner so to convert the property, *ib.* 3940, 3941——Even in the case of the lessee not having capital at his command to pay for enfranchisement, there would be the means of raising money either by mortgage or by sale of the property. *ib.* 3942——Witness trusts to live to see the day when all church property will be enfranchised, *ib.* 3945.

Suggestion that the enfranchisement of all church property and lay copyhold property should be compulsory; but so far as the tenant is concerned it should not be compulsory for a period of five or seven years after passing of the Act, *Workman* 4050–4058.

8. *Objections to a Compulsory System: adequacy of Voluntary Enfranchisement:*

Doubt as to the expediency of compelling the chapters generally to make certain arrangements with the Commissioners; belief that they will gradually do so voluntarily *Chalk* 417–434——Belief that the terms now obtained in the enfranchisements of leaseholds will continue to be obtained, *Smith* 785–787. 814——Inaccuracy of the inference that the Lords' recommendation in 1851 was, that the Act was immediately to commute existing leases for perpetual leases, so as to put the church in immediate possession of an increased annual income; option given to the holder in regard to enfranchisement, *ib.* 948–953.

Objections to a system of compulsory enfranchisements, though the same would more quickly increase the income of the church, *Smith* 1065 *et seq.*; 1131 *et seq.*——Anticipated general enfranchisement under the present voluntary system, the number of transactions hitherto being already quite as numerous as could reasonably have been expected, *ib.* 1065. 1072–1083, 1086–1089. 1099–1102. 1333. 1134. 1169–1179——If compulsory power be introduced it should, in justice, be compulsory on the tenant as well as on the church, *ib.* 1092–1095————Propriety of further facilities for voluntary enfranchisements, *ib.* 1160–1162.

Advantage in the voluntary transfer by chapters of their estates to the Commissioners, under certain conditions, *Lefevre* 1922–1925——Inexpediency, at present, of the compulsory powers, in order to compel the chapters or bishops to transfer their estates, *ib.* 1926–1931. 1947–1951. 1969. 1992–1996. 2008——Willingness in many cases of lesses, though not of the chapters, to enfranchise; the Commissioners have no power over the chapters hereon, *ib.* 1986–1989——Clauses in the Act 3 & 4 Vict. c. 113, under which the Commissioners carry out the voluntary principle, in regard to the transfer of episcopal or capitular property, *ib.* 1992–1995——Inexpediency of giving a compulsory right of enfranchisement to lessees, *ib.* 2245–2249.

Opinion that the transactions connected with the enfranchisement of property is going on satisfactorily under the supervision of the Commissioners, *Right Hon. S. H. Walpole* 4724. 4822——It would, unquestionably, be for the advantage of the church that every

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8. *Objections to a Compulsory System, &c.*—continued.

facility and encouragement should be given to the voluntary enfranchisement of the leasehold property of the church, *Right Hon. S. H. Walpole* 4823.

Further consideration of the question of a compulsory enactment on the subject of enfranchisement; witness is decidedly opposed to any compulsory power, as the object may be easily obtained without it, *Smith* 5068–5077.

9. *Suggested Extension of Leaseholds, as granted for* 21 *years, up to* 1880, *and no further:*

Instead of a single renewal, the whole of the existing leasehold terms should, as originally proposed by witness, be extended up to the same period and terminate at the same time, *Smith* 816. 907. 913–915. 924–928. 935, 936——Further evidence in favour of making the terms of certain leases all come to an end at a specified period; enfranchisement would be sufficiently expedited, and without injustice, by the principle of deferred compulsion involved therein, *ib.* 1132. 1135–1165. 1169–1175. 1206, 1207.

Opinion as to the probable operation of a resolution to the effect, "that in estimating, for purposes of enfranchisement or surrender, the values of the interests of farms and houses under leases granted for terms of twenty-one years, an extension of the unexpired term to 1 January 1880, at the accustomed rate of fine, shall, as a rule, be allowed; no such lease to be extended beyond the said date", *Smith* 5056 *et seq.* 5078–5082——Opinion that this would put the lessees, as among themselves, upon an equality, *ib.* 5057–5063——Way in which witness would apply the rules of enfranchisement, with regard to those lessees who hold under leases for lives, either under bishops or under deans and chapters, *ib.* 5064–5077——Witness's great object is to hasten the extinction of the existing system of church leases, *ib.* 5099–5102.

Resolution of the Committee that in estimating for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses, under leases granted for terms of twenty-one years, an extension of the unexpired term to 1 August 1880, at the accustomed rate of fine, be allowed, *Third Rep. p.* viii.

See also *Arbitration. Bishops. Chapters*, 1. *Chardstock Estate* (*Dorset*). *Copyholds. Dean* (*Hants*). *Durham*, 2. *Gloucester, Dean and Chapter of*, 6. *Hallow* (*Worcester Diocese*). *House Property, Enfranchisement of. Leaseholds. Norwell Estate*, 16. *Orton Longueville. Oswald, St.* (*Durham*). *Sigston Kirby. Sub-lessees. West Oakley Farm* (*Hants*). *Westminster, Dean and Chapter of*, 5. *Winchester, Enfranchisements in See of.*

Episcopal and Capitular Estates Management Bill. Statement by the Marquis of Blandford, with reference to the Bill for the better management of episcopal and capitular estates, *App. Third Rep. p.* 201–203.

Episcopal and Capitular Revenues Commission. Calculated gain to the church of about 60,000*l.* a year, by the non-adoption of the terms proposed in the Report of this Commission, in regard to the system of enfranchisement, *Smith* 744–753. 771, 772——Names of the members of the Commission, *ib.* 754, 755.

Witness was a member of Lord Harrowby's Commission on Episcopal and Capitular Estates, *Lefevre* 1824——Main points of difference between the present plan of the Ecclesiastical Commission and the plan recommended by Lord Harrowby's Commission, *ib.* 1827–1833—— Opinion that the present plan is more favourable to the church and at the same time more satisfactory to the lessees, *ib.* 1827–1830.

See also *Enfranchisement.*

Episcopal Estates. See *Bishops. Management*, 5, 6. *Transfer of Estates.*

Episcopal Residences. Prior to the fusion of the episcopal fund and the common fund; the payments for episcopal residences came out of the episcopal fund, and, in 1847–48, amounted to 36,634*l.*; there have been no payments for the purpose out of the loan from the Queen Anne's Bounty Board, *Chalk* 535. 539–550.——Expenditure up to the date of the Third Report (1850) of 147,795*l.* in episcopal residences and estates, *ib.* 537, 538. 544, 545.

Payment by the Commissioners of 52,434*l.* 0*s.* 6*d.* towards the erection of episcopal residences in the years 1836–1855, *App. First Rep. p.* 287——Payment of 300*l.* on account of an episcopal residence during each of the years 1853 and 1854, *ib.* 289.

Episcopal Revenues. The Act of 1850 fused the episcopal fund with the common fund of the Commissioners, *Right Hon. Earl of Chichester* 16; *Chalk* 334——Balance, at present, of about 20,000*l.* against the episcopal revenues, *Right Hon. Earl of Chichester* 28——Ultimately the revenues will far exceed the expenses, though hitherto the common fund has been disimproved by the episcopal fund, *Right Hon. Earl of Chichester* 28, 29; *Chalk* 335–339. 358–363——Main objects of the Act of 1836; it dealt only with episcopal matters, *Chalk* 333, 334——Several sees which have not yet been affected by the

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the Act of 1836; surplus derivable from the episcopal fund after their first avoidance, *Chalk* 358-363.

Receipt of 356,264 *l.* 5 *s.* 11 *d.* from bishop's estates in the years 1836-1855, *App. First Rep. p.* 287——Receipts from episcopal revenues in each of the years 1853-1855, *ib. p.* 288.

Statement of the Committee that by the Act 13 & 14 Vict. c. 99, the episcopal fund was fused with the common fund of the Ecclesiastical Commission; fixed incomes were secured to all bishops appointed subsequently to 1847, and an option was given to bishops previously appointed to place themselves on the same footing, *Third Rep. p.* iv.

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Estates Committee. Constitution, powers and duties of the Estates Committee; it has in certain cases an independent action, *Right Hon. Earl of Chichester,* 3-5. 107 *et seq.* ——Large number of transactions effected by the Committee, *ib.* 37 *et seq.* 109——Course of the Estates Committee under the Act of 1854, renewing the Act of 1851, with the addition of certain clauses, *ib.* 66-75——Number of meetings of the Estates Committee, and attendances of Commissioners thereat, from 30 August 1850 to 31 December 1855, *First Rep. p.* 14.

The acts of the Committee go forth in the name of the Ecclesiastical Commissioners, *Right Hon. Earl of Chichester,* 114——The independent power of the Estates Committee consists in the exclusive management of estates, *ib.* 116. 151-155——Matters not directly affecting estates are sometimes delegated to the Estates Committee, whose proceedings in all such cases are subject to the revision of the general Board, *ib.* 116. 149. 153. 156-158.

Suggested increase of the Estates Committee from five to seven members, *Right Hon. Earl of Chichester,* 128. 136-144——Absence of collision between the Estates Committee and the Board, *ib.* 159, 160——Though the management of estates by the Estates Committee is in the name of the Ecclesiastical Commissioners, the latter practically exercise no control over details; provision in the Act hereon, *ib.* 283-294.

Sole management by the Estates Committee of all questions connected with "lands, tithes, or hereditaments," *Chalk* 544. 577-579. 587-590. 605——Several schemes to which the Estates Committee have not an independent power to affix the common seal of the Board, *ib.* 556-576——Explanation as to witness in announcing officially any act done by the Estates Committee, stating that it is the act of the Ecclesiastical Commissioners, *ib.* 580-582——Three classes of powers confided to the Estates Committee, *ib.* 590——All schemes relating to the sale, purchase, or exchange of property are sealed exclusively by the Estates Committee, *ib.* 605, 606.

Concurrence in Lord Chichester's suggestions for improving the constitution of the Committee by the addition of two members, *Chalk* 607-623——The Archbishop of Canterbury, rather than the bishops as a body, should appoint one of the additional members of the Estates Committee, *ib.* 619-624——The selection by the Board of the layman and bishop as members of the Committee takes place annually, and is limited to members of the Board, *ib.* 620-622. 625, 626.

Evidence in favour of the Church Estates Committee comprising only two paid executive members, *Lefevre* 1854-1870. 2257-2261. 2275-2285——Rare instances of difference of opinion anticipated if there be but two Commissioners, *ib.* 1857-1861. 2283-2286——Objection to a third paid Commissioner, even though he might constantly attend, *ib.* 1864-1870——Possible delay occasionally in the transaction of business if there be but two Estates Commissioners, *ib.* 1872, 1873.

Advantage of the presence of several Commissioners when questions requiring much deliberation, or involving a principle, are under discussion, *Lefevre* 2259, 2260. 2281—— In executive matters one Commissioner, if his appointment were concurred in by the Crown and the Archbishop, would be better even than two, *ib.* 2278-2281. 2286, 2287—— Unanimity of Estates Commissioners, *ib.* 2284.

Advantage in a third Commissioner being paid rather than unpaid, *Lefevre* 2288. 2295 ——Such Commissioner, if appointed at all, should be appointed by the Crown, or by the Crown and the archbishop conjointly, *ib.* 2289-2294——Representation respectively by the Crown and the Church in the five members of the Estates Committee as at present appointed, *ib.* 2300-2303.

Explanation as to there having been a want of unanimity among the Church Estates Commissioners, in the earlier part of their proceedings, in regard to the principles upon which enfranchisements should take place; Mr. Goulburn, who differed from Lord Chichester and witness, eventually changed his opinion on the subject, *Lefevre* 3067 ——Importance of a third Commissioner on the event of differences, such as the one referred to, *ib.* 3068-3072.

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Exeter, Bishop of. Amount of commutation payment to the bishop in lieu of estates transferred to the Ecclesiastical Commissioners, *App. First Rep. p.* 268.

Exeter, Chapter of. Reference to the allowance of a donation by the Chapter of Exeter towards some local baths and washhouses, *Lefevre* 2031, 2032.

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F.

Farming Leases. Terms on which the Commissioners let property on farming leases, *App. First Rep. p.* 410–412.

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Fielden, Messrs. Statement of costs paid in respect of the enfranchisement of land in the see of Canterbury under lease to Messrs. Fielden, *App. First Rep. p.* 454.

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Statement of the Committee as to the deaneries and prebends in which the recommendation of the Committee of 1839, for the abolition of the injurious system of fines upon leases for lives, and also upon leases for years has been carried into effect, *Third Rep. p.* v.

See also *Copyholds. Durham,* 1. *Gloucester, Dean and Chapter of,* 6. *Leaseholds. Westminster, Dean and Chapter of,* 1.

Finsbury Prebend. A great many applications, so called local, have been made to the Commissioners with regard to that portion of the Finsbury prebend which is in their power; reasons which have been given why these applications could not be attended to, *Right Hon. S. H. Walpole* 4894, 4895.

First Fruits and Tenths. Payment by the Commissioners on account of first fruits and tenths in respect of prebendal estates, in each of three years preceding 1 November 1855, *App. First Rep. p.* 289.

Fixed Incomes of Bishops and Deans and Chapters. About one-fourth of the aggregate value of the property of ecclesiastical corporations is required to provide the permanent incomes of the bishops and chapters, *Smith* 765, 769——Whatever deficiency or surplus there may be in the proceeds of the estate, the bishop should receive the same fixed income, *Lefevre* 1843–1845. 1912–1917——Inducement to ecclesiastical corporations to transfer their estates in the prospect of a fixed income without trouble or responsibility, *ib.* 1980–1984.

Though witness would prefer that the provision for the church were made either by rentcharges or by the investment of stock, the church itself would very much object thereto, *Lefevre* 2083——Greater security to the church in the possession of land than of rent-charges arising out of land, *ib.* 2084–2086——Subsequent dealing with the proceeds of sales by ecclesiastical corporations so as to ensure to the corporations the income in consideration of which they have transferred their interest to the Commissioners, *Smith* 2396.

Expediency of the endowment of deans and chapters being in land rather than in money or tithes, *Chaytor* 2777, 2778; *Whitcombe* 3595–3598——The sums of moneys set apart for the endowment of ecclesiastical corporations should be invested in their own names in the books of the Bank of England, and subject to their own control, *Chaytor* 3008–3019.

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Fixed Incomes of Bishops and Deans and Chapters—continued.

Return of the cases in which the Ecclesiastical Commissioners have arranged to secure a fixed income to any bishop or chapter without any transfer of estates having been agreed upon; stating the name of each ecclesiastical corporation and the income agreed upon, *App. First Rep., p.* 267.

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Commutation payments on account of estates surrendered to the Commissioners during each of the three years preceding 1 November 1855, *App. First Rep. p.* 289.

Resolution of the Committee that it is desirable that landed estates sufficient to afford the clear statutory income of each bishop, be transferred to each see, *Third Rep. p.* viii.

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Forfeiture of Leases. Conditions in farming leases granted by the Commissioners, as to forfeiture of lease, *App. First Rep., p.* 412.

Freehold Estates. There are scarcely any investments by the Ecclesiastical Commissioners in freehold; reason of this, *Smith* 808–810. 957.

Witness would advise that the Commissioners should purchase freehold estates with the money derived from enfranchisement, *Pidcock* 3948–3959.

See also *Enfranchisement.*

Frewen, Charles Hay, M. P. Correspondence, &c., relating to the enfranchisement of lands in the parish of Sigston Kirby, held by Mr. Frewen, on lease under the Bishop of Ripon, *App. First Rep. p.* 418-423.

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Sales of Government stock in each of the three years preceding 1 November 1855, *App. First Rep. p.* 288——Investments in respect of the purchase of stock during each of the three years preceding 1 November 1855, *ib.* 289.

Amount of 298,679 *l.* 0 *s.* 9 *d.* in Consols standing in the names of the Church Estates Commissioners on 31 October 1855, *App. First Rep. p.* 456.

G.

Gally Knight Fund. The bequest of Mr. Gally Knight has supplied 37,500 *l.*, which has been distributed in 150 grants towards the erection of parsonage houses, *Right Hon. Earl of Chichester* 6.

Receipt in 1853 of 46,577 *l.* 12 *s.* 3 *d.*, and in 1855 of 304 *l.* 2 *s.* 2 *d.* on account of the fund, *App. First Rep. p.* 288——Expenditure in 1854 of 800 *l.*, and in 1855 of 7,994 *l.*; *ib.*

Gateshead. Advantage in the transfer to the Commissioners of an estate at Gateshead, in the see of Durham, which requires intricate management, *Smith* 1166.

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Gloucester, Dean and Chapter of:

1. *Generally as to the Transfer of the Capitular Estate.*
2. *Value of the Property transferred.*
3. *Increased Income of the Chapter through the Arrangement.*
4. *Stipulation in regard to Patronage.*
5. *Establishment and other Charges; Regulations hereon.*
6. *Generally as to the Management previously to the Transfer.*
7. *Augmentations by the Chapter.*
8. *Chapter Clerk; his Remuneration.*

1. *Generally as to the Transfer of the Capitular Estate:*

Arrangement lately made by the Chapter of Gloucester with the Ecclesiastical Commissioners, by which, under an Order in Council, dated 26 June 1855, they have transferred their estates over to the Commissioners, *Whitcombe* 3513——Statement made by witness that it was for the purpose of putting in this scheme, and calling the attention of the Committee to certain clauses of the same, that he was requested by the chapter to appear before this Committee, *ib.*

GLOUCESTER, DEAN AND CHAPTER OF—continued.

1. *Generally as to the Transfer of the Capitular Estate*—continued.

Detailed statement of the scheme by which the estates of the chapter were transferred to the Ecclesiastical Commissioners, amount of the half-yearly payments to be made to the chapter, and proposed appropriation thereof, *Whitcombe* 3514 *et seq.*——Reference to the clause in the scheme by which it was recommended and proposed that none of the moneys or estates should be applicable to the purposes of the Commissioners' common fund until the dean and chapter should have been put in possession, in fee simple of real estates of the amount therein stated, *ib.* 3514-3516. 3522, 3523——The arrangement has been in operation about a twelvemonth, *ib.* 3558——The stipulation under the arrangement with the chapter is, that the chapter shall have back real estates, of which not more than one-fourth part shall consist of tithe or tithe rent-charges; reasons why witness considers land better than tithe rent-charges, *ib.* 3595-3598.

The annual value of the estates to be handed over to the chapter will be open to negociation when the tender of the landed estate is made; the quantum of such annual value will be the subject matter of future arrangement, *Whitcombe* 3602-3611—— Extent to which the Commissioners have entered into contracts for sales of the chapter property, *ib.* 3734-3736——Witness does not quite understand how the Commissioners can give a good legal title, the chapter having what may be considered a lien upon the property, *ib.* 3737-3740.

The Commissioners are, by the terms of the Order in Council, debarred from applying the proceeds of any sales to the common fund, *Whitcombe* 3741-3744——The property is all to be conveyed back to the chapter at rack-rent without any lease upon it, *ib.* 3745-3750——By the Order in Council there will be no expense of conveyance, *ib.* 3751—— How far, and for what purpose the Commissioners are now surveying the estates, *ib.* 3752-3755——The dean and the whole of the canons agreed to the transfer to the Commissioners, *ib.* 3769-3774.

Order in Council ratifying the scheme for substituting a money payment for the estates of the Dean and Chapter of Gloucester, *App. Third Rep. p.* 217.

2. *Value of the Property transferred:*

The property surrendered by the dean and chapter to the Commissioners was very large, *Whitcombe* 3524——If the rack-rent value be taken, there was a great difference between the amount of the property surrendered and the amount which will have to be transferred to the dean and chapter, *ib.* 3525——Actual value of the property; if it were all let at rack-rent it would produce from 28,000 *l.* to 30,000 *l.* a year, *ib.* 3526-3528. 3684-3686.

3. *Increased Income of the Chapter through the Arrangement:*

Ordinary income of the chapter before any of the canonries were suspended; original number of canons at Gloucester; reduced number; amount which the Ecclesiastical Commissioners will have to pay to this reduced number and to the dean, *Whitcombe* 3529-3533——Extent to which the position of the chapter has been improved in a pecuniary point of view by means of this transfer, *ib.* 3578-3585. 3715-3725——Decided advantage given to the canons by the arrangement, inasmuch as their income will be from 700 *l.* to 750 *l.* a year each, instead of about 600 *l.* a year; explanation as to how this has arisen, *ib.* 3578-3585——There were other inducements besides this that led the chapter to make the transfer, *ib.* 3726-3728.

How far the chapter satisfied the Commissioners that the sum which they were to allow was not more than the sum the chapter might fairly look upon as their future income, *Whitcombe* 3729-3732——The chapter gave the Commissioners all the advantage to be derived from any arrangements which they could make with the tenants and with the lessees, *ib.* 3732, 3733——Witness does not consider that the Commissioners have made an improvident bargain, *ib.* 3800-3805——Names of the present canons, *ib.* 3679-3683.

Commutation payment of 8,800 *l.* a year to the dean and chapter, in lieu of estates transferred to the Ecclesiastical Commissioners, *App. First Rep. p.* 268.

4. *Stipulation in regard to Patronage:*

The present patronage of the chapter is excepted from the scheme, this is the only stipulation, *Whitcombe* 3599-3601.

5. *Establishment and other Charges; Regulations hereon:*

Particulars relative to the establishment charges; items of which these charges consist, *Whitcombe* 3534 *et seq.*——Among them are the minor canons and the fabric, which is very expensive, *ib.* 3536. 3675-3678——Item set apart yearly for the fabric by an order in chapter, *ib.* 3537-3539——Gross amount to which the Commissioners have limited the sum for the establishment charges; the particulars are settled by the dean and chapter, *ib.* 3540, 3541——The appropriation of the sum allowed for the establishment is left to the discretion of the dean and chapter, *ib.* 3540-3555.

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Gloucester, Dean and Chapter of—continued.

5. *Establishment and other Charges, &c.*—continued.

Schedule of the Order in Council with reference to the establishment charges, read, *Whitcombe* 3546, 3547——The construction witness puts upon this Order is, that with reference to the gross sum, the chapter may from time to time add to the choir and deduct from the school, or may deduct from the fabric and add to the choir and school, or expend, if they see fit, nothing on the fabric, *ib.* 3548-3555——All the objects mentioned in the above referred to schedule are decidedly better provided for under this arrangement made between the dean and chapter and the Commissioners than they previously were, *ib.* 3556——Supposing the dean and chapter neglect any of the objects referred to in the schedule, there is no reserved power in the Commissioners to decide that they ought to attend thereto, *ib.* 3357——There is a visitor who has the power of correcting any abuse, *ib.* 3557.

Great increase in the schools and improvements therein in all respects consequent upon the arrangement, *Whitcombe* 3562-3577. 3612-3641——Regulations relative to charitable donations by the chapter, *ib.* 3700-3714.

6. *Generally as to the Management previously to the Transfer:*

Statement of the mode of granting leases and taking fines, *Whitcombe* 3513 *et seq.*——The mode of granting leases has been to grant them for twenty-one years certain, renewable every seven years; only three leases are granted for lives, *ib.* 3513. 3517-3520——These leases will not be renewed as the lives drop in, now that the estates are in the hands of the Commissioners, *ib.* 3513. 3521.

Numerous applications received by the chapter for enfranchisements before the transfer took place, *Whitcombe* 3756——In most cases they refused the applications, as they considered it would scarcely answer their purpose to substitute enfranchisement for renewal in general cases of leases for twenty-one years, *ib.* 3757-3768——The clause in the Act of Parliament which provides that the chapters shall only have a limited interest in any enfranchisement has operated against enfranchisement, *ib.* 3760-3762.

Periods of the meetings of the chapter adverted to with reference to the transaction of business, *Whitcombe* 3775-3779——General practice in regard to the management, *ib.* 3785-3789——How far it was the custom of the chapter to make any visits or progresses to their estates, *ib.* 3806.

Usual mode of granting leases on the estates; large proportion of the estates granted in leases for lives renewable every seven years; some portions are copyholds for lives and some few leaseholds for lives, *Hall* 3809-3811——It has been the invariable custom to renew the leases at the end of seven years, *ib.* 3811——The estates have now been transferred to the Ecclesiastical Commissioners, and since that time renewals have been refused, *ib.* 3812-3814——Witness apprehends that the leaseholders would in many cases get an opportunity of enfranchising; but it is not compulsory on the Commissioners to enfranchise, *ib.* 3815-3817.

7. *Augmentations by the Chapter:*

The Chapter of Gloucester has not much property in tithes; extent to which they have made any augmentation to vicarages out of their tithe property; this sum is not included in the establishment charges, *Whitcombe* 3586-3595. 3684-3691. 3699.

8. *Chapter Clerk; his Remuneration:*

Witness has been chapter clerk for the last forty years, *Whitcombe* 3512——Evidence relative to the duties and the emoluments of the chapter clerk, *ib.* 3780-3799——Emoluments of witness, previously to the transfer to the Commissioners, from the fees consequent on the leasing system, *ib.* 3780-3784——Few matters, as regards management, left solely to witness, *ib.* 3786-3789——Compensation provided for witness in lieu of his income from the leasing system, no longer pursued; he receives 340 *l.* a year till the estates are re-transferred to the chapter, *ib.* 3790-3799.

See also *Aberdare* (*Glamorganshire*).

Gloucester and Bristol, Bishop of. Annuity of 365 *l.* to the bishop as commutation payment in lieu of estates transferred to the Ecclesiastical Commissioners, *App. First Rep. p.* 268.

Grants. See *Augmentations and Grants.*

Great Marlow. Reference to the augmentation of this vicarage by the Chapter of Gloucester, *Whitcombe* 3686.

Gregson, J. Statement of costs paid in respect of the enfranchisement under the Dean and Chapter of Durham, of land under lease to J. Gregson, *App. First Rep. p.* 455.

Griffith, The Rev. John. (Analysis of his Evidence.)—Has been Vicar of Aberdare for ten years, 4059, 4060——Net income of the incumbency, and sources from which derived, 4061, 4062——Extent of the parish; arrangement going on with respect to the division of

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Griffith, The Rev. John. (Analysis of his Evidence)—*continued.*

of the parish; great increase of the population since 1841; 4063-4066——Small extent of the church accommodation when witness went there; steps since taken for the relief of the spiritual wants of the place; small amount which the Dean and Chapter of Gloucester have contributed thereto, 4067-4074.

Witness has made an application to the Dean and Chapter of Gloucester for an increase of income, and they have referred him to the Ecclesiastical Commissioners, 4075, 4076. 4088, 4089——Witness has applied to the Commissioners, and they state that nothing more can be done for him than for anybody else, 4077-4081. 4090-4094——Amount of the great tithes of Aberdare, and application thereof, 4082——Evidence in detail showing the rate at which the property of the Dean and Chapter of Gloucester in Aberdare has improved of late years; great value of both their mineral and landed property there, 4395 *et seq.*

The Ecclesiastical Commissioners are now taking steps to ascertain the value of the mineral property, 4116-4122. 4135, 4136——Witness considers it monstrous that so large an amount of revenue should be derived from the parish of Aberdare while the parish is in its present state of spiritual destitution, 4137-4149——Large number of dissenters in the parish; how far this number may be attributed to the want of church accommodation, 4150. 4184. 4189-4198.

Aberdare was the head quarters of Mormonism; they began at Aberdare; they have, most of them, now gone to the Salt Lake, 4185-4188——There is no doubt, that if a larger amount of church property were applied to the spiritual wants of the place it would create an improved feeling towards the church generally, 4199-4213.

Ground Rents. Advantage in some respects of property in ground-rents as an investment for the deans and chapters, *Chaytor* 3031, 3032.——*See* also *Newington (Surrey).*

H.

Hall, Richard. (Analysis of his Evidence.)—Is a surveyor, 3807——Knows the estates of the Dean and Chapter of Gloucester very well, 3808——Usual mode of granting leases on these estates; large proportion of the estates granted on leases for lives renewable every seven years; some portions are copyhold for lives, and some few leaseholds for lives, 3809-3811——It has been the invariable custom to renew the leases at the end of seven years, 3811——These estates have now been transferred to the Ecclesiastical Commissioners, and since that time renewals have been refused, 3812-3814.

Witness apprehends that the leaseholders would in many cases get an opportunity of enfranchising; but it is not compulsory upon the Commissioners to enfranchise, 3815-3817——Mode of enfranchisement which the Commissioners have adopted; how far it is just and fair to both parties, 3818-3822——It is a question whether the lessees should not have something for their present beneficial interest, their accustomed right of renewal upon moderate terms, 3822——Way in which Lord Harrowby's Commission gave this advantage, 3822——Explanation of the difference between this mode and the present mode of acting founded upon the Report of the Lords' Committee, 3823, 3824.

Evidence showing that the recommendation of Lord Harrowby's Commission was equivalent to giving the lessee a moiety of the estate, 3823-3828——The Lords' Committee would give him only the dry interest he would have in the lease, 3826——Terms of enfranchisement proposed by the Ecclesiastical Commissioners; supposing the terms to be fair, enfranchisement is an arrangement advantageous to all parties; suggestions as to what should be done to make the mode of enfranchisement fair and equal, 3829-3837.

Opinion that the lessees should have the choice of the basis of compensation between the two bases mentioned in the Act of Parliament, 3838——The Commission is always ready either to sell or to purchase the leasehold upon the terms of giving the lessee his interest at 3½ per cent., and taking the property at thirty years' purchase, 3840-3848——Opinion that this is a perfectly fair condition, 3842——The hardship does not arise here; the hardship is in not giving the lessee anything for his accustomed right of renewal, 3843.

Hallow (Worcester Diocese). Correspondence, &c. in 1853, relating to the enfranchisement of certain lands in the parish of Hallow, held by Mr. Thomas Hyde, by copy of court roll under the Bishop of Worcester, *App. First Rep. p.* 443-448.

Valuation of the lands called Partridge's, dated 28 June 1852, made with a view to their enfranchisement, with observations thereon, by Mr. James Webb, valuer, *App. First Rep. p.* 444, 445——Agreement between the Bishop of Worcester and Mr. Hyde, for the sale and purchase of the reversionary interest in the estate termed Partridge's, *ib.* 445.

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Hallow (*Worcester Diocese*)—continued.

Valuation of the lands called Culliter's, dated 28 June 1852, and observations thereon, by Mr. James Webb, valuer, *App. First Rep. p.* 446, 447——Agreement between the bishop and Mr. Hyde, for the enfranchisement of Culliter's farm, *ib. p.* 447.

Letter from Mr. E. J. Smith to the secretary to the Commissioners, dated 26 October, advising that the Board decline to approve the proposal for enfranchisement, *App. First Rep. p.* 448.

Extract from Minutes of Church Estates Commissioners, dated 28 October 1853, declining to sanction the enfranchisement on the terms proposed, *App. First Rep. p.* 448.

Plan of the Partridge Farm belonging to Mr. Hyde, *App. First Rep. p.* 458——Plan of Culliter's Farm, *ib.*

Harvey, Matthew. (Analysis of his Evidence.)—Farms 900 acres of land near the Norwell Estate, 1785, 1786——Has recently visited the estate, 1787, 1788——Considers the recent re-arrangement of the occupations there to have been judiciously carried out, 1789. 1794——Approves of the situation of Knight's farm buildings, and considers it far preferable to that recommended by Mr. Parkinson, 1789–1792——Is a friend of Mr. Pickering, and holds church property in Balderton, under the Commissioners, 1795–1801——Would not so have acted, if in Mr. Curtis's place, as to subject himself to the liability to quit certain lands on a few days notice, 1802–1809.

Henley, Lord. Correspondence, &c. relating to the enfranchisement of a manor and lands in the parish of Chardstock, held by Lord Henley, on lease, under the Bishop of Salisbury, *App. First Rep. p.* 432–442.

Henllan (*Denbigh*), Division of this parish adverted to, the Commissioners appropriating to its wants 915 *l.* a year out of a rent-charge of 1,300 *l.*, *Chalk* 352——Further particulars as to this case, and the mode in which the tithe was set out, *ib.* 435–438.

Hereford, Chapter of. Return of the amount of Government stock standing to the credit of the chapter on 31 October 1855, *App. First Rep. p.* 456.

Hereford, Dean of. In the case of Hereford the arrangement in regard to fixed income applies only to the dean, *Chalk* 397——Fixed income of 1,000 *l.* a year secured to the dean under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Holy Island (*Durham Diocese*). Statement as to the refusal of the Commissioners to sanction the annexation of land to the church in Holy Island, unless it could be effected otherwise than by a reversionary grant, *Chaytor* 2793–2810.

Proposal, in October 1853, by the Dean and Chapter of Durham, for the augmentation of the perpetual curacy of Holy Island, by means of a grant of land to be annexed on the expiration of the lease in 1868, *App. First Rep. p.* 329.

Terms on which the Commissioners declare themselves prepared to sanction the proposed grant, *App. First Rep. p.* 329.

Statement, in November 1853, on the part of the dean and chapter, showing the impracticability of at once securing the intermediate interest of the lessee of the land, as required by the Commissioners, *App. First Rep. p.* 330.

Further statemetns on the part of the Commissioners, in 1853 and 1854, adhering to their original requirement, and explaining their objections to permit an augmentation by a grant of property in reversion, *App. First Rep. p.* 330–335.

Reasons submitted on the part of the dean and chapter, in 1854, for the acceptance of their proposed augmentation of Holy Island, by making over the land in question to be annexed at the expiration of the lease, *App. First Rep. p.* 331–335.

Holy Trinity Church, Vauxhall Bridge Road. Correspondence between Lord John Thynne and the secretary of the Ecclesiastical Commissioners, in 1853, relative to the endowment of the church of the Holy Trinity, Vauxhall Bridge-road; endowment of 250 *l.* a year eventually agreed upon and made chargeable upon certain houses in the Broad Sanctuary, *App. to First Rep. p.* 355–357.

House Property, Enfranchisement of:

1. *Absence of definite Legislative Regulations hereon.*
2. *Exceptions taken to the System adopted by the Ecclesiastical Commissioners.*
3. *System advocated by Mr. Paynter.*
4. *Explanatory statement of the Practice of the Commissioners.*

1. *Absence of definite Legislative Regulations hereon:*

With reference to farms and tithe rent-charges, recommendations were laid down by the Committee of the House of Lords, in 1851; no such recommendations have been laid

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House Property, Enfranchisement of—continued.

1. *Absence of definite Legislative Regulations hereon*—continued.

down with reference to the enfranchisement of house property, *Paynter* 3078——The great evil resulting from this is, the extravagant demand made for the enfranchisement of house property, *Paynter* 3078——If not complied with, the threat is held out of having the leases run out, *ib.*—Opinion that if the Committee were to make a good rule for the enfranchisement of house property, fair to all parties, enfranchisements would go on well and advantageously; if not, a stop will be put to all kinds of enfranchisements, *ib.* 3216-3219.

The remedy witness seeks, and the only one he would consider effectual, would be a regulation made by Parliament stating the proper grounds of enfranchisement, *Paynter* 3229-3238—— Hardship of house property not having any recommendation with reference to enfranchisement, other property having it, *ib.* 3239-3252——Great boon to the leaseholders of house property of a recommendation by the Committee as to the terms upon which house property should be enfranchised, *ib.* 3252.

Report of the Lords' Committee of 1851, that whether the suggestions could be advantageously applied to house property and mines, admits of doubts, which can only be removed by further investigation and consideration, *Smith* 3323——Witness supposes the Church Estates Commissioners mean to adhere to their plan unless the Legislature should decide otherwise, *ib.* 3397——Witness does not consider that the Act of Parliament prescribes any definite terms of enfranchisement with respect to house property, *Dunning* 3446. 3451-3453——Opinion that the rules with respect to house property are very well understood at the present time, *Right Hon. S. H. Walpole* 4720-4722.

Obstacles in the way of the Ecclesiastical Commissioners laying down any system with regard to the lessees and sub-lessees of house property, *Smith* 5184-5193——Evidence in favour of an express enactment, prescribing the principles of enfranchisement, *Pott* 5055——It would be advisable to leave the Ecclesiastical Commissioners to deal with the enfranchisement of house property as best they may; and if their officers are unable to arrange the matter, Parliament might then determine whether they ought to interfere, *Smith* 5194-5196.

2. *Exceptions taken to the System adopted by the Ecclesiastical Commissioners:*

Witness is lessee and sub-lessee of several houses in the see of Winchester, *Paynter* 3075——Other persons besides himself, whose opinions witness represents, and extent to which they are interested in church property, *ib.* 3076——Sundry points on which witness has to complain, *ib.* 3077 *et seq.*——Way in which the plan adopted by the Commissioners is calculated to do most essential wrong to the whole class of leaseholders of house property, *ib.* 3078-3087.

Explanation of the mode in which the Commission calculate the value of the fee-simple of good house property at 16¾ years' purchase; objections to this principle, *Paynter* 3080, 3081——Great mistake made by the surveyor of the Church Estates Commission in his calculations on the subject, and way in which the mistake arose, *ib.* 3080-3087. 3132, 3133——Opinion as to the relative rights of the lessees and sub-lessees having a contract for renewal, in the event of enfranchisement, *ib.* 3088-3103——Though it may be right to have an enabling Bill to allow persons to enfranchise, and to leave them to themselves to see how it works, *ib.* 3182——Still it is a very great hardship in the event of an unreasonable demand for enfranchisement, to leave the tenants in the position that their leases must either run out or they must pay such exorbitant demands, *ib.*

Witness would not say that there is no enfranchisement of household property on the terms offered by the church, *Paynter* 3188-3193——But he would say that if it is enfranchised upon those terms, it is high time to stop such an exorbitant charge, *ib.* 3189-3193——The terms are mathematically and arithmetically proved to be exorbitant, *ib.* 3190——With regard to the basis of the terms acted upon by the surveyor for the Church Estates Commissioners, with respect to the second plan of enfranchisement, it is a mere waste of money, *ib.* 3220-3238.

Witness's point is, that the present system of enfranchisement of household property is very unfair, and his wish is, that Parliament would lay down rules, as it has done with regard to lands, *Paynter* 3239-3250——In the latter case it was unfair before Parliament interfered, *ib.* 3247.

Observation that witness is prepared to support the allegations of the petition of the lessees and sub-lessees of the Winchester Park estate, and to suggest the necessity of an express enactment to prescribe the principle on which the enfranchisement of home property should be made, *Pott* 5055——And to provide for the terms of value being referred to arbitration in cases where any difference exists, *ib.*——Witness delivers in the opinion of two actuaries in support of the allegations of the petition above referred to, *ib.*

3. *System*

Reports, 1856—*continued.*

House Property, Enfranchisement of—continued.

3. *System advocated by Mr. Paynter:*

Just mode of enfranchising house property pointed out, *Paynter* 3078 *et seq.*——The Church being entitled to the reversion and the lessee to the lease, the question is, what sum should be given for the reversion, so that house property may be enfranchised with advantage to both parties, *ib.* 3079——The value of the fee-simple ought to be given by the lessee deducting the value of the lease, *ib.*——Method proposed for fairly ascertaining these values, *ib.*

Where it would be inconvenient to the lessee to pay down the principal sum at once, it might be commuted into an equivalent yearly rent-charge, with a power of redemption at a future period, *Paynter* 3079. 3135——Such yearly rent-charge should in no case exceed one-fourth of the clear annual value of the property, *ib.* 3079. 3134-3136——The only just mode in respect to enfranchisement of house property is to calculate the value of the fee and of the lease according to the same rate of intesest, *ib.* 3079.

Witness's plan differs most materially from that adopted by the Church Estates Commissioners and their surveyor, *Paynter* 3080-3087. 3183-3187——Advantage to the Church if enfranchisement of house property were to take place generally upon equitable terms, *ib.* 3215——Witness lays down as a principle, that in respect of house property the lessee should give the value of the fee-simple, deducting the value of the lease; way in which the value of the fee-simple should be calculated, *ib.* 3273-3296——Opinion that the whole matter in dispute arises from the varying calculation of interest, *ib.* 3280, 3281.

4. *Explanatory Statement of the Practice of the Commissioners:*

Explanation as to the principle adopted in regard to the beneficial interest of the tenant in cases of enfranchisement of house property, *Smith* 1005-1023.

Witness has heard Mr. Paynter's evidence; opinion on the statement and calculations which he has laid before the Committee, *Smith* 3297 *et seq.*——Evidence showing that Mr. Paynter's theory, that the proper mode of arriving at the result in estimating the interest of the lessor and lessees is to calculate the value of the fee at so much, and the value of the lease by the same tables, cannot be sustained, *ib.* 3298-3313——One reason why Mr. Paynter's theory must be inaccurate is, that under it the Church would not receive the income it actually now receives under the existing system, *ib.* 3298-3313. 3383-3388. 3428-3444.

Ordinary tenure of houses under the Church for terms of forty years, renewable every fourteen, and for thirty years, renewable every ten years, *Smith* 3298-3313——It is an important element to ascertain, whatever the property be, the market value of the property at the time of making the arrangements, *ib.* 3324 *et seq.*——How far taking 16⅔ years' purchase as the assumed value of household property may be considered a fair assumption, *ib.* 3325-3330——Incorrectness of the principle of calculating the value of the fee and the value of the term by the same table of interest, *ib.* 3331, 3332. 3357-3359.

Opinion that Mr. Paynter's principle of estimating the value of a lease for thirty years upon the six per cent. table is as wholly inaccurate as his mode of estimating the value of the reversion, *Smith* 3360-3363——Witness has constantly of late sold reversions of house property on account of the Church; has at all times sold them on the estimate of the Church Estates Commissioners, and not on Mr. Paynter's estimate, *ib.* 3391-3396——If witness were to advise the Ecclesiastical Commissioners as to the arrangements to be made, he would still adhere to the opinion which he has expressed that three per cent. is the basis upon which calculation ought to be made, *ib.* 5199 *et seq.*——Way in which witness calculates the value of household property at 16⅔ years' purchase, *ib.* 5205-5243.

See also *Sub-Lessees.* *Winchester, Enfranchisements in See of.*

Hunt, Mr. Witness recommends the Committee to call as a witness Mr. Hunt, who is surveyor to several chapters, as well as to that of Westminster, *Rev. Lord John Thynne* 2431. 2457.

Reference to the opinion given by Mr. Hunt before the Lords' Committee of 1851, with reference to the Ecclesiastical Commissioners managing the estates of the Dean and Chapter of Westminster, *Rev. Lord John Thynne* 2619.

Huntly, Marquis of. Reference to the case of the Marquis of Huntly as the only one in which a difference about the annual value, with a view to enfranchisement, has been arranged by arbitration, *Smith* 979-982.

Correspondence, &c. in 1854 and 1855 relating to the enfranchisement of certain lands and premises in the parish of Orton Longueville, held on lease by the Marquis of Huntly, *App. First Rep. p.* 360-364——Correspondence with reference to arbitration in the matter; result of such arbitration, *ib.* 361-364.

Reports, 1856—*continued.*

Huntly, Marquis of—continued.

Statement eventually by the Ecclesiastical Commissioners, after due valuation of the property, that they are prepared to accept the sum of 4,797 *l.* for the reversion of the property, *App. First Rep. p.* 364.

Hyde, Thomas. Correspondence, &c. in 1853, relating to the enfranchisement of certain lands in the parish of Hallow, held by Thomas Hyde, esq., by copy of court roll under the Bishop of Worcester, *App. First Rep. p.* 443–448.

I.

Improvement of Property. Inducements which would be given to tenants of Church property to improve the property if a certain tenure for a length of time were given to particular tenants, say sixty years, *Paynter* 3182. 3259.

Conditions in farming leases granted by the Commissioners in regard to the payment by the lessees on account of expenditure by the lessors in draining, building, and other improvements, *App. First Rep. p.* 412.

See also *Drainage. Management of Estates. Repairs and Improvements.*

Income and Expenditure. Fusion, by the Act of 1850, of the episcopal fund, created by the Act of 1836, and the common fund of the Commissioners, *Right Hon. Earl of Chichester* 16; *Chalk* 334. 535——Disimprovement of the common fund since the addition thereto of the episcopal fund; the deficiency, however, on the latter score is but temporary, and will soon be amply made up, *Earl of Chichester* 28, 29; *Chalk* 335–339. 358–363——Chief sources of the income of the Commissioners, *Right Hon. Earl of Chichester* 50, 51. 55, 56——Transfer of 300,000 *l.* to the common fund of the Commission, as realised under the several transactions, *ib.* 110, 111.

Creation of the common fund by the Act of 1840 (the Cathedral Act); sources and amount of this fund, *Chalk* 333, 334——Statement showing that the gross payments by the Commissioners amount to 92,656 *l.* a year, which, converted into a capital sum, represents a sum of 2,779,680 *l.*; *ib.* 343, 344——There is no surplus in the common fund, *ib.* 446——Cash balance and stock to the credit of the Commissioners on 31st October last, *ib.* 512——Large sale of stock yearly to meet liabilities, *ib.* 513, 514——Reason for the large cash balance (117,000 *l.*) at the Bank of England on 31st October, *ib.* 517. 527, 528.

Less than one-fourth of the fee-simple value of the property of ecclesiastical corporations, or about 250,000 *l.* a year, would be available for purposes generally, irrespective of the provision of fixed incomes, *Smith* 766–770——Probable lapse of time before the increase of 250,000 *l.* a year, estimated as available for the common fund, will be realised, *ib.* 811, 812. 903–905——All details of intended expenditure must be sanctioned by the Estates Committee, *ib.* 901, 902——The transactions already effected by the Commissioners extend to about 7,000,000 *l.* out of 35,000,000 *l.* belonging to ecclesiastical corporations, *ib.* 903——Large sums, as surplus proceeds, paid over to the common fund of the Commission, after the endowment of the corporations, *Lefevre* 2034–2036. 2041–2043.

Explanation relative to a summary of receipts and payments from August 1836 to November 1854, *Aston* 2359 *et seq.*, and *App. First Rep. p.* 287——Cash assets standing to the credit of the Ecclesiastical Commission and of the Church Estates Commission at the Bank of England and in Government stock on 31st October 1855, *Aston* 2376–2393——Difficulty in setting out in detail the sums included under the item of "other sources" of receipt and "other sources" of payments, in the account handed in by witness for the years 1836–1855 (*App. First Rep. p.* 287), *Chalk* 3034–3042——Facility for preparing a detailed return (*App. First Rep. p.* 288, 289) of all receipts and payments during the last three or four years, *ib.* 3042–3047.

Summary of receipts and payments from August 1836 to November 1855, compiled from the general reports of the Commissioners, *App. First Rep. p.* 287——Total receipt of 3,716,259 *l.* 10*s.* 9 *d.*, *ib.*——Total payment of 3,599,246 *l.* 0*s.* 3 *d.*, *ib.*——Large receipts and payments under the item of "other sources," *ib.*

Summary of receipts and payments for the three years preceding 1st November 1855, compiled from the 6th, 7th, and 8th General Reports of the Commissioners, *App. First Rep. p.* 288, 289——Receipts and expenditure in respect of income in each of the years 1853–55, *ib.*——Receipts and payments in respect of capital in the same years, *ib.*

Summary, showing that the Commissioners have made grants equivalent, if capitalised at 3½ per cent, to 2,779,680 *l.*, or to a perpetual annuity of 92,656 *l.*, *App. First Rep. p.* 290, 291.

See also *Accounts. Augmentations and Grants. Canterbury Diocesan Education Board. Chapters*, 2. 5. *Control. Durham*, 9. *Lease holds*, 12. *Local Claims. Westminster, Dean and Chapter of*, 9.

Income Tax. See *Property and Income Tax.*

Reports, 1856—*continued.*

Interest on Government Securities and Purchase Monies. Amount received by the Commissioners in each of the years 1853-55 as interest on Government securities and on purchase-monies of estates sold, *App. First Rep. p.* 288.

Payments on account of interest of purchase-monies of estates bought during each of the two years preceding the 1st November 1855, *App. First Rep. p.* 289.

J.

Jarrow Docks. Large sums received by the Dean and Chapter of Durham from the land for the formation of the Jarrow Docks, &c.; limit to their power of endowment out of this amount, *Chaytor* 2941-2956—— Power of the chapter to expend 5,000 *l.* in endowment, under the Act empowering the construction of Jarrow Docks, *ib.* 2948. 2952.

John's, St., Westminster. Correspondence relating to the spiritual destitution of the parishes of St. Margaret and St. John, Westminster, and the endowment, by the Chapter of Westminster, of Vauxhall Bridge-road Trinity, perpetual curacy, *App. First Rep. p.* 349-357.

K.

Kelloe Parish (Durham). See *Coxhoe, &c.*

Knight, John. (Analysis of his Evidence.)—Occupies about 220 acres of land on the Norwell estate, 1592, 1593——Is satisfied with his treatment by the agent of the Ecclesiastical Commissioners, 1594——The tenants generally are satisfied with Mr. Pickering, as agent; letter to him, signed by ten of them, dated 7 April 1856, expressing such satisfaction, 1595-1598——How such letter originated, 1599-1601——Satisfactory character of the drainage carried out on witness's land, under Mr. Pickering's nephew and others, 1602-1607——Witness pays a rent of 345 *l.* a year, 1609.

Approval generally of the new buildings recently erected for witness; they are defective, however, as regards room for implements and carts, and as regards the situation, which should have been more central, 1610-1615. 1627-1634. 1651, 1652——Witness does not know the cost of the buildings, 1616-1619——Reference to a notice to quit received by witness last Michaelmas; impression as to its object, 1622-1626. 1635-1642——Witness does not consider that he should be charged additional rent in respect of the outlay on the buildings, 1623-1626. 1646-1648. 1654-1659——Absolute necessity of new buildings on the farm, 1649-1653——Drury's buildings are more than 400 yards distant from witness's, and would not have answered, even if enlarged, 1660-1664.

L.

Lambeth. Part repayment by the Commissioners, in 1855, of deposit on account of new church (St. Andrew), *App. First Rep. p.* 289.

Lampeter College. Receipt of 634 *l.* 4 *s.* in 1854, from the sale of the advowson, *App. First Rep. p.* 288——Payment of 9 *l.* 19 *s.* 6 *d.* on account of the college in 1854, *ib.* 289.

Land. Expediency of an endowment to bishops and deans and chapters in land rather than in money or in tithes, *Lefevre* 2084-2086; *Chaytor* 2777, 2778——The stipulation under the arrangements with the Chapter of Gloucester is, that the chapter shall have back real estates, of which not more than one-fourth part shall consist of tithe or tithe rent-charges; reasons why witness considers land better than tithe rent-charges, *Whitcombe* 3595-3598.

Resolution of the Committee that it is desirable that landed estates, sufficient to afford the clear statutory income of each bishop, be transferred to each see, *Third Rep. p.* viii. ix.

See also *Management of Estates.* *Transfer of Estates.*

Langtoft (York). Plan of Church property at Langtoft, *App. First Rep. p.* 458.

Latter, Robinson. (Analysis of his Evidence.)—Is sub-lessee of Church property at Bromley, in Kent, under the see of Rochester; the Rev. James King is the principal lessee, 4214-4216——His object in appearing before the Committee is to call attention to the position of the sub-lessees with reference to the lessees, 4217——Especially the case of those sub-lessees who have a covenant for perpetual renewal on payment of a certain rent, and a proportionate part of the fines which accrue, 4217.

Evidence showing that by the operation of the interpretation clause of 14 & 15 Vict., the sub-lessees, in the case of leases for lives, have been excluded from the benefit of the purchase of the reversion, 4217-4236——Reference to the clause inserted in the House of Commons intended for the protection of the sub-lessee, 4222——It is so vague that witness is totally unable to understand his rights under it, 4222, 4223. 4225 *et seq.*—— This clause read, 4224——Witness does not know what his position would be in the event of his lessor enfranchising under this Act, 4225-4236——Whether he would be bound to pay him a proportionate part of the fine which he paid for the whole estate immediately,

Reports, 1856—*continued.*

Latter, Robinson. (Analysis of his Evidence)—*continued.*

or at any and what time, 4225-4236——Or whether if he declined to accept the terms his lease would be forfeited, 4225-4236——In the case of enfranchisement witness is of opinion that the sub-lessee has not sufficient protection, 4237.

Suggestion that the interpretation clause should include the sub-lessee, who is now excluded, 4237, 4238——Instance showing the inconvenience of this exclusion, 4238-4240——Grounds for the opinion that the lessee's consent is not necessary; the lessee has nothing to do with it beyond the term of his existing lease; witness would leave the lessee to his strict legal right, 4240-4257. 4261——Opinion that what witness contends for would inflict no loss upon the lessee, upon the ground that the lessee has no covenant for renewal, 4257.

Witness considers that the sub-lessee is entitled to the benefit, he being called upon in the case of a reversion to pay for the purchase thereof, and the value of all the additional outlay he has made, 4258-4260. 4283 *et seq.*——What witness suggests would not be any departure from the spirit of the Act of Parliament, although the words of the preamble restrict the Act to dealings between corporations and their lessees, 4263-4268——The third clause of the Act was avowedly prepared by lessees, 4269.

There is no reason why, if even the legislation on the subject should be changed, and power given to sub-lessees, passing over the lessees, that the lease must be allowed to run out in order to enable them to purchase, 4270——Witness would propose that the rent should still remain during the existence of the lease, and be apportioned if necessary, 4270——Suggestion that at the expiration of the lives the property should belong to the sub-lessee who has purchased the reversion, 4271-4276.

Under the change proposed by witness the existing relations between lessee and sub-lessee would remain exactly the same as they are at present during the existence of the term under the lease, 4277-4281——Opinion that the exclusion of the sub-lessee from the Act of Parliament was an inadvertence, 4282——In the case of the lessee and the sub-lessee being both anxious to enfranchise, the sub-lessee should be entitled to the preference, he having laid out his money on the property, 4283-4330——It would be but fair that the sub-lessee should enfranchise instead of paying continued successive fines, 4313-4327.

Hardship upon the sub-lessee in the present state of things as regards keeping up the covenants of the lease, 4331-4339——Evidence showing that under the existing state of things the lessee has no interest in making a provident bargain on behalf of the sub-lessee, 4340-4350——Opinion that it would be very desirable both for the Church and the persons holding under it if the interests of the lessees and the sub-lessees were consolidated, 4351, 4352.

LEASEHOLDS:

1. *General Practice of the Commissioners in their dealings with Lessees.*
2. *Origin of the present System of Enfranchisement.*
3. *Advantageous working of the System.*
4. *Statement as to the Terms or Basis of Enfranchisement.*
5. *Practice in regard to Claims for Renewals of Leases; the same considered.*
6. *Recommendation that Renewals be stopped altogether.*
7. *Cost of Renewal.*
8. *Conditions in Farming Leases granted by the Commissioners.*
9. *Aggregate Interest of the Lessees in Church Property.*
10. *General Satisfaction on the part of the Lessees.*
11. *Suggested Termination in* 1880 *of existing Leasehold Terms.*
12. *Practice of the Commissioners to invest in Leasehold Property.*

1. *General Practice of the Commissioners in their dealings with Lessees:*

Course pursued by the Estates Committee, in accordance with the recommendations of the Lords Committee in 1851, upon Church estates management, as regards the enfranments of leaseholds; considerable satisfaction given hereby both to ecclesiastical corporations and lessees, *Right Hon. Earl of Chichester* 52-54. 57-61. 65. 68-78. 125——Few enfranchisements previously to 1851, the arrangements not having been satisfactory, *ib.* 62-64——Circumstances under which leases are allowed to run out instead of being enfranchised, *ib.* 185. 187, 188.

Mode of dealing with the lessees in the case of bishops' estates vested in the Commissioners, *Chalk* 630, 631——The Commissioners have never renewed a lease in case of property vested in themselves, *Chalk* 632; *Smith* 5103-5109——The Commissioners have always dealt with the lessees either by buying the term or selling the reversion, *Chalk* 633-636.

Attendance of witness at the meetings of the Estates Committee with reference to proceedings for enfranchisement, *Smith* 740. 781——Mode in which leasehold applications are dealt with by the Estates Committee; practice as to the settlement of terms for sale or purchase, *ib.* 796-807——In the case of sale to the lessee the surveyors to the Commission

Reports, 1856—*continued.*

LEASEHOLDS—continued.

1. *General Practice of the Commissioners in their dealing with Lessees*—continued.

Commission name the price required, which, if the lessee decline to accept, the Estates Committee offer to purchase his interest, *Smith* 796-803——Course adopted in the event, which rarely occurs, of the dean and chapter wishing to sell a leasehold interest, *ib.* 804-806——When the lessee offers to sell his interest, the Estates Committee usually require him to name a price, *ib.* 807.

Case of Mr. Denison adverted to as showing the course adopted in the event of difference about annual value between the lessee for a term uncertain and the Estates Committee, *Smith* 821, 822, and *App. First Rep. p.* 365-374——Terms certain offered to occupiers by the Committee when an estate is settled, *Smith* 876——As regards lessees with terms uncertain, they are by no means hardly dealt with, *ib.* 936, 937——Statements showing that the Church Estates Commissioners have acted in accordance with witness's opinion, that in nine cases out of ten the Church estates are such that it is more desirable to sell than to purchase, *ib.* 1001-1003.

Probable cause of the present system of leasing the Church property, *Smith* 1126, 1127——With regard to nine applications for enfranchisement to the Church Estates Commissioners in which the proposals have been refused, witness suggests that four cases be printed in detail as illustrating the causes of refusal, *Smith* 1207-1212, and *App. First Rep. p.* 424 *et seq.*——A case shall also be prepared in which the proposal was refused at first and subsequently accepted, *Smith* 1213, and *App. First Rep. p.* 413.

Facility in regard to dealings with the lessees when the chapters agree to a transfer of the property to the Commissionees, *Lefevre* 1990, 1991——Moral obligation on the Commissioners to repurchase, or to offer to purchase the lease; they do, in fact, always offer to buy or sell, *ib.* 2231-2234. 2242-2244——Official mode of estimating and checking the sums to be paid for particular enfranchisements, *Aston* 2321, 2322——The desire for sale is not on the side of the Church, but on the side of those parties who hold the property, *Smith* 3398-3401.

The Ecclesiastical Commissioners and the Estates Committee have been fully carrying into operation the intention of the Lords Committee, that the beneficial ownership of the Church property, which is now divided between the Church and its beneficial lessee, should in some cases be wholly vested in the one, and in other cases in the other, according to the circumstances of the property, *Right Hon. S. H. Walpole* 4689——Opportunity given to the lessees of Church property to buy the reversion thereof, *ib.* 4689——With regard to the lease or the immediate interest, the Commissioners offer to buy it, and upon the same terms they offer to sell, *ib.*——Consequently the lessee in all cases has an opportunity of exercising the right of either sale or purchase upon equitable terms, *ib.*

Opinion that with regard to the sale of reversions, where there are as many as three lives remaining, the Commissioners, if applied to, would not refuse such a sale, *Right Hon. S. H. Walpole* 4690——They would, however, so manage them that the Church would not be a loser by such sale, *ib.* 4690-4693——There is no objection whatever to enfranchisement where the property is under the control of the Commissioners, *ib.* 4824, 4825——It has been the general practice, both with bishops and with deans and chapters, to convert the leases that previously existed into leases for terms certain, *Smith* 5064-5067.

2. *Origin of the present System of Enfranchisement:*

Witness, when giving evidence before the Committee of the House of Lords upon the Church Estates Management Bill, suggested the substitution of a system of enfranchisement for that of raising a rent-charge on the property, as contemplated by the Bill, *Smith* 731-735——The Committee made a report in accordance with witness's suggestions, and an Act was immediately passed by which the three Church Estates Commissioners were constituted a separate Board, for the purpose of sanctioning agreements for enfranchisements voluntarily made with ecclesiastical corporations, *ib.* 736-739.

3. *Advantageous working of the System:*

Successful working of the system of enfranchisement carried out by the Committee, the terms being satisfactory to the lessees and advantageous to the Church, *Smith* 741-753. 771, 772. 781-787. 813——Difference between the terms proposed in the Report of the Episcopal and Capitular Revenues Commissioners and the terms which have been acted upon; gain to the Church of about 60,000*l.* a year for church extension by the substituted plan, *ib.* 744-753. 771, 772——Several computations of the amount of interest at present derived from the estates of chapters under the existing leasing system; probable increased rate of interest that will be obtained on the property by the system of enfranchisement, *ib.* 5085-5098.

4. *Statement as to the Terms or Basis of Enfranchisement:*

Witness does not agree with the Church Estates Commissioners in their report, that the value of a partial interest should be taken at the same rate as the calculation of the

Reports, 1856—*continued.*

LEASEHOLDS—continued.

4. *Statement as to the Terms or Basis of Enfranchisement*—continued.

value of the fee, *Smith* 3314——The recommendation of the Committee of the House of Lords was, "if the chapter or capitular body agree to enfranchise, the price to be paid for the enfranchisement shall be the value of the fee-simple, deducting the value of the lease at the same rate of interest," *ib.* 3314-3322——The Committee confined their recommendation to farms and to the rent-charges, *ib.* 3323——How far the difference of interest with respect to landed property and farms arises from the difference of risk in the two descriptions of property, *ib.* 3333-3356.

Witness would suggest that the Church should sell her reversions in landed estates at the end of thirty years, at a discount of three per cent.; except the reversion were sold at this discount, it would be impossible for the Church to stand in the same position at the end of the term, *Smith* 3360-3382——Grounds on which witness forms the opinion, that speaking as a general rule, the present rate of interest to be obtained cannot be reckoned above three per cent., *ib.* 3402-3410——Even in the event of the purchase of freehold landed estates, owners cannot ordinarily look to receive more than 3⅛ per cent., *ib.* 3410, 3411.

Mode of enfranchisement which the Commissioners have adopted; how far it is just and fair to both parties, *Hall* 3818-3822. 3829-3837——Evidence showing that the recommendation of Lord Harrowby's Commission was equivalent to giving the lessee a moiety of the estate, *ib.* 3823-3828——Explanation of the difference between this mode and the present mode of acting, founded upon the Report of the Lords' Committee of 1851, *ib.* 3823, 3824——Way in which Lord Harrowby's Commission gave this advantage, *ib.* 3823——The Lord's Committee would give him only the dry interest he would have in the lease, *ib.* 3826.

Supposing the terms of the Ecclesiastical Commissioners to be fair, enfranchisement is an arrangement advantageous to all parties; suggestions as to what should be done to make the mode of enfranchisement fair and equal, *Hall* 3829-3837——The lessee should have a choice of the two bases of compensation mentioned in the Act of Parliament, *ib.* 3838——The Commission is always ready either to sell or to purchase the leasehold, upon the terms of giving the lessee his interest at 3⅛ per cent. and taking the property at thirty years' purchase, *ib.* 3840-3848——This is a perfectly fair condition, as far as it goes, *ib.* 3842.

5. *Practice in regard to Claims for Renewals of Leases; the same considered:*

With regard to the claims of lessees arising from the long-continued practice of renewing, one more renewal is allowed upon the old terms; then the interest is computed as upon a full lease, *Right Hon. Earl of Chichester* 313-322——The actuary to the Commission, Mr. Smith, can best explain the arrangements in regard to the advantage of supposed renewal allowed to a tenant proceeding to sell, *Chalk* 638-644.

The Act operates rather harshly as regards the provision for a single extension of term in the case of lessees holding for a term certain, *Smith* 814, 815. 913. 921-924. 938-944. 954——Practice in dealing with leases for terms uncertain; it depends upon the term which the lessee has whether any allowance is made for the custom of renewal, *ib.* 817-825——Examination relative to the precise meaning and application of the recommendation of the Lords' Committee, as adopted in the Act, "that as regards leases for years, which are reduced below twenty-one years, the lessee shall have the option, before enfranchisement or surrender, of one renewal;" in the event of renewal after 1851, such option is not granted, *ib.* 906 *et seq.*

Suggestion that in all cases where the lessee's term is under twenty-one years, he should have an additional seven years, upon the same terms as before, without reference to the restrictions imposed by the Lords' Resolutions in such cases, *Lefevre* 1834, 1835. 1970. 2211—— Extent to which greater indulgence should be given, and is given, in cases where the term being under twenty-one years, the lessee has but one life in his lease, than in cases where he has three lives; propriety thereof considered, *ib.* 2211-2230——Non-inquiry into the reasons why there is not more than one life, *ib.* 2215-2217. 2230——Nature of the consideration given to the long-continued practice of renewal when a lessee with three lives wishes to enfranchise, *ib.* 2218-2224——Discretionary interpretation by the Commissioners of the rule, "that due regard be had to the long-continued practice of renewal, *ib.* 2225-2228.

Consideration of the claim or interest of the lessee in regard to renewal, according to the recommendations of the Lords' Committee of 1851, *Chaytor* 2937-2940——Great public advantage which would result from there being some more permanent interest secured to those interested in leasehold property than they now have, or are likely to have, under the existing law, *Paynter* 3053-3058——Hardship in not giving the lessee anything for his accustomed right of renewal, *Hall* 3822. 3843.

How far, if the habit of renewal was taken into consideration in calculating the equivalent for Church leases, the holders of Church property have a claim for the consideration of their long tenure, if the property be taken away from them, *Baxter* 4625-4634

LEASEHOLDS—continued.

5. *Practice in regard to Claims for Renewals of Leases, &c.*—continued.

4634——Church leases bore a much higher value ten years ago than they bear now, *Baxter* 4635——This may be attributed to the fact that people now apprehend that renewals will not be given them, *ib.* 4636–4639.

With reference to leases of lands for terms of years, and also with reference to tithe rent-charges, the practice of the Commissioners has been to give one renewal, equivalent, generally speaking, to seven years more of the lease, and then to allow the lessee to enfranchise, *Right Hon. S. H. Walpole* 4694–4700——The practice of the Commissioners in respect of renewals, either in the case of enfranchisement or surrender, has been that they have always considered that the tenant was entitled to another renewal, *ib.* 4757–4771.

6. *Recommendation that Renewals be stopped altogether:*

If the property of the Church were taken by a strong, firm hand, to be dealt with as every gentleman or nobleman would deal with his own property, there would never be another renewal of a Church lease, *Baxter* 4575, 4576. 4584–4586——In this case, the property of the Church would come into operation for the benefit of the Church much more speedily than it is likely to do, if renewals are further permitted, *ib.*——The sound course would be to stop the renewals altogether, *ib.* 4584——Witness knows, practically, that Church leases, up to a late period, were considered as renewable leases, and bore a value in that character, *ib.* 4613, 4614.

There can be no inequity in restoring the lessor to the exercise of his own natural functions as the master of his own property, *Baxter* 4615–4624——Cases have constantly occurred where ecclesiastical corporations have run out the leases, and granted new leases to members of their own family, *ib.* 4640——In making the most of the property of the Church, no doubt every equitable claim and every moral claim upon it ought to be most clearly considered, *ib.* 4654——These claims might be considered by the Commissioners in their dealings with the several lessees, without any necessity for renewing the lease, *ib.* 4654, 4655.

7. *Cost of Renewal:*

Statement as to the expense of renewal; it is generally a fixed sum of eight guineas, *Pidcock* 3998–4000.

8. *Conditions in Farming Leases granted by the Commissioners:*

Form of terms for letting property on farming leases, *App. First Rep. p.* 410–412.

9. *Aggregate Interest of the Lessees in Church Property:*

About 18,000,000*l.* represents the interest of the lessees in ecclesiastical property *Smith* 760–764.

10. *General Satisfaction on the part of the Lessees:*

Few complaints on the part of lessees, *Lefevre* 1833——The increase of transactions between the Commissioners and the lessees has been so great during the last year that witness is quite satisfied that the lessees must be pretty content with the proceedings of the Commissioners, *Right Hon. S. H. Walpole* 4724.

11. *Suggested Termination in* 1880 *of existing Leasehold Terms:*

Instead of a single renewal, the whole of the existing leasehold terms should, as originally proposed by witness, be extended up to the same period, and terminate at the same time, *Smith* 816, 817. 913–915. 924–928. 935, 936——Further evidence in favour of making the terms of certain lessees all come to an end at a specified period; enfranchisement would be sufficiently expedited, and without injustice, by the principle of deferred compulsion involved therein, *ib.* 1132. 1135–1165. 1169–1175. 1206. 1207.

Opinion as to the probable operation of a resolution, to the effect, "that is estimating for purposes of enfranchisement or surrender the values of the interests of farms and houses under leases granted for terms of 21 years, an extension of the unexpired term to the 1st January 1880, at the accustomed rate of fine, shall, as a rule, be allowed, no such lease to be extended beyond the said date, *Smith* 5156 *et seq.* 5078–5082——Opinion that this would put the lessees, as among themselves, upon an equality, *ib.* 5057–5063——Way in which witness would apply the rules of enfranchisement with regard to those lessees who hold under leases for lives, either under bishops or under deans and chapters, *ib.* 5064–5077.

Witness's great object is to hasten the extinction of the existing system of Church leases, *Smith* 5099–5102——He does not propose any change with regard to leases for lives only so far as they are referred to in those cases in which the outstanding term is not equal to the term of twenty-one years, *ib.* 5170–5181.

Resolution agreed to by the Committee, that in estimating for purposes of enfranchisement or surrender the values of the interests of lessees of farms and houses under

Reports, 1856—*continued.*

LEASEHOLDS—continued.

11. *Suggested Termination in* 1880 *of existing Leasehold Terms*—continued.

leases granted for terms of twenty-one years, an extension of the unexpired term to the 1st of August 1880, at the accustomed rate of fine, shall, as a rule, be allowed, *Third Rep., p.* viii——The Committee having recommended that all leases granted originally for twenty-one years should terminate absolutely in 1880, cannot but remark that it is highly desirable that such lessees should be fully enabled to deal with their leasehold interests in the mean time by sale or enfranchisement, *ib.* ix.

12. *Practice of the Commissioners to invest in Leasehold Property:*

In almost every case the Committee reinvest the proceeds of sale in the purchase of leasehold interest; objects thus to be obtained, *Smith* 808–810. 957——Expenditure in the last three years of about 733,000*l.* in the purchase of leasehold interest, *ib.* 957, 958.

See also *Arbitration. Copyholds. Enfranchisement. Fines on Renewal of Leases. House Property, Enfranchisement of. Sub-Lessees. Surrender of Leases. Tenants at Will.*

Lefevre, John George Shaw, C.B. (Analysis of his Evidence.)—Has been one of the Ecclesiastical Commissioners since 1846 or 1847; is also a member of the Church Estates Committee, 1820–1823——Was a member of Lord Harrowby's Commission on Episcopal and Capitular Estates, 1824——Considers that the Ecclesiastical Commission, since the last Act, has worked extremely well, and that the interests of the Church, of the lessees, and of the public have been duly consulted, 1826. 1833, 1834.

Main points of difference between the present plan of the Ecclesiastical Commission and the plan recommended by Lord Harrowby's Commission, 1827–1832——Opinion that the present plan is more favourable to the Church, and at the same time more satisfactory to the lessees, 1827–1830——Few complaints on the part of lessees, 1833——Suggestion that in all cases where the lessee's term is under fourteen years he should have an additional seven years, upon the same terms as before, without reference to the restriction imposed by the Lords' Resolutions in such cases, 1834, 1835. 1970.

The property at present in the hands of the Commissioners can without difficulty be managed by them, 1836——Where the bishop has a fixed sum allotted to him by Act, it would never answer to entrust him with the management of the estates of the see, 1837——The actual management of both episcopal and capitular estates should rest with the Commissioners, who should act as trustees for the bishops and the chapters, 1838–1841. 1850–1853. 1874 *et seq.*——Repairs and improvements might be provided for by adding to the estate a sufficiency for the purpose over and above the fixed income of the bishop, 1838, 1839. 1844. 1901–1906. 1913.

Any portion of the additional income not required for outlay on the estate should accumulate for the future improvement of the property, or might be carried to a common fund, 1838, 1839. 1849. 1907–1913. 1935——As regards the fee-simple, it is immaterial in whom it is vested, so long as the Commissioners are constituted the actual managers, 1841. 1887–1892. 1914, 1915——Importance of the estate being allocated to the see, as affording a greater security to the bishop than if his income were paid out of a common fund, 1841, 1842. 1846, 1847——Whatever deficiency or surplus there may be in the proceeds of the estate, the bishop should receive the same fixed income, 1843–1845. 1912–1917.

Difficulty of any distinction between the bishops and the chapters in regard to the control of the Commissioners, 1849——Particular estates should be allotted to the chapters, as to the bishops, fixed incomes should be paid to them, and the surplus accumulated, 1849. 1884–1886. 1918–1925. 2008——Probability of chapters managing estates at rack-rent better than bishops would manage them; their management, however, would still be deficient, 1849. 1877–1883. 1952–1960. 1971–1979——Belief as to a competent management by the Commissioners and their agents; reference more especially to the landed estates at rack-rent, ground-rents, and rent-charges, being easily collected, 1850–1853. 1874–1876. 1892–1898——The rack-rent would not exceed 300,000*l.* a year, 1851. 1961, 1962.

Evidence in favour of the Estates Committee comprising only two paid members as regards all executive matters, 1854–1870——Absence of disagreement when there are only two Commissioners, 1858–1861——Objection to a third paid Commissioner, even though he might constantly attend, 1864–1870——More constant attendance of witness at the meetings of the Estates Committee but for his engagements in the House of Lords, 1866——Possible delay occasionally in the transaction of business if there be but two Estates Commissioners, 1872, 1873.

Advantage in a personal inspection by the Ecclesiastical Commissioners of the estates under their management; this, however, cannot take place frequently, 1875, 1876——Adequate management by local agents under central control, 1876.1892–1898——Objection to any arrangement which would admit of any managing agents or staff, other than those

Reports, 1856—*continued.*

Lefevre, John George Shaw. (Analysis of his Evidence)—*continued.*

those of the Commissioners, 1889–1892. 1914——Desirableness of the estates, as allotted to any particular bishop or chapter, being within the diocese, 1899, 1900——As regards provision for repairs, &c., where the fixed income is 4,500*l.*, the rent-roll allotted should amount to about 6,000*l.*, so that there would be a constantly accruing surplus, 1901–1913. 1932–1934.

Serious difficulties at present through the system of chapters' accounts in cases where the Commissioners are interested in capitular property, 1918–1920——Advantage in the voluntary transfer by chapters of their estates to the Commissioners, under certain conditions, 1922–1925——Inexpediency at present of compulsory powers, in order to compel the chapters or bishops to transfer their estates, 1926–1931. 1947–1951. 1969. 1992–1996. 2008.

Unwillingness of the Chapter of York, that their estate should be managed at rack-rent, unless their income were made up in the event of its being deficient, 1936–1939——In management at rack-rent witness prefers, on the whole, a system of leases to one of tenancies at will, 1940–1942——Advantage of checking the chapters in their practice of renewing leases on fines for lives, 1943–1946——Greater probability of good management of landed property by colleges than by chapters, 1955–1960. 1971–1976.

Reasons which induced witness to concur in the recommendations of Lord Harrowby's Commission for deriving the income of the church almost entirely from rent-charges, 1963–1965——Objections to making part of the consideration of enfranchisement the reservation of a small rent-charge, 1966–1970——Inducement to ecclesiastical corporations to transfer their estates in the prospect of a fixed income without trouble or responsibility, 1980–1984——Few applications at present from bishops or chapters to place their estates under the Commissioners, 1985.

Willingness in many cases of lessees, though not of the chapters, to enfranchise; the Commissioners have no power over the chapters hereon, 1986–1989——Facility in regard to dealings with the lessees when the chapters agree to a transfer of the property to the Commissioners, 1990, 1991——Clauses in the Act 3 & 4 Vict. c. 113, under which the Commissioners carry out the voluntary principle in regard to the transfer of episcopal or capitular property, 1992–1995.

Evil in regard to the annual accounts rendered by the chapters, inasmuch as the Commissioners have no power of auditing the same, or disallowing improper items, 1997–2002. 2011——Some accounts are rendered in a satisfactory form, more especially those of the Chapter of Westminster, 2003–2005——Expediency of a definition by the Legislature of the form in which chapters' accounts should be rendered, and of the objects for which payments might be made by the chapters, 2006–2010.

Grounds upon which the Commissioners objected to certain payments by the Dean and Chapter of Durham to the Sons of the Clergy, the Durham Training School, and the Durham Church Building Society, 2011 2033——Allowance by the Commissioners of a payment by the Dean and Chapter of Westminster towards a fire-escape; there was doubtless good reason, 2026–2030. 2032——Allowance also of a donation by the Chapter of Exeter towards some local baths and washhouses, 2031, 2032.

Large sums, as surplus proceeds, paid over to the common fund of the Commission, after the endowment of the corporations, 2034–2036. 2041–2043——The accounts of the office will doubtless show the sums apportioned to the several corporations after the enfranchisement of their property, 2036–2044——The accountant of the Commission can best explain the mode of keeping the revenue and capital accounts, 2045–2051.

Extent to which as regards reversions, it is desirable that there be some legislative enactment for the protection of the sub-lessees, 2052–2068——With respect to certain temporal matters, the Commissioners do not consider that they are called upon to act as trustees for the public, 2069–2071——Opinion that the allowance to receivers under the Commission of four per cent. on rack-rents, and five per cent. on reserved rents and rent-charges, is not an unreasonable or unusual rate of payment, 2072–2082.

Though witness would prefer that the provision for the church were made either by rent-charges or by the investment of stock, the church itself would very much object thereto, 2083——Greater security to the church in the possession of land than of rent-charges arising out of land, 2084–2086.

[Second Examination.]—Nature of the interference with the patronage of the Bishop of Durham, proposed in a Report of the Committee on Episcopal Patronage in 1851, 2087–2094——Arguments which induced the committee to report in favour of a transfer to the see of Manchester, of the patronage of thirteen livings, and to the see of Ripon, of the patronage of ten livings, all situate in the diocese of Durham, 2095 *et seq.*——Principles generally by which the Commissioners feel bound to act in transferring patronage from one see to another, 2097. 2100. 2124. 2137.

Necessity of abstracting from the see of Durham, or from other quarters, some paronage for the sees of Manchester and Ripon, which are at present practically without patronage, 2097. 2121–2123. 2129–2137——Claim of Durham to large patronage on the score of

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its university, 2097–2099——Contemplated re-distribution of patronage as regards the see of Carlisle, 2099. 2105–2115——Claim of Durham to patronage, on the ground of its large and increasing population, 2100–2102. 2119–2121.

Power of the Commissioners to compel exchanges of patronage in the case of bishop appointed under the Act of 1837; 2103, 2104. 2109, 2110——Satisfactory manner in which the re-distribution of the patronage of the province of Canterbury has been effected, the sees affected thereby having voluntarily accepted the recommendations of the Commissioners, 2104. 2124–2127——Reference to memorials from the nobility, gentry and clergy of Northumberland and Durham, against the proposed re-distribution of patronage, 2116–2118.

A very large income arising from tithe rent-charge has not as yet come into the power of the Commissioners, 2139, 2140——Dissatisfaction existing in many places on account of the clause of the Act 3 & 4 Vict., relative to local claims not being carried into effect, 2141——Manner in which as regards tithe rent-charges, now accruing to bishops, &c., the Commissioners contemplate to become possessors of the same, and to allot a certain portion of the income to local claims, 2142–2146. 2153——A very large sum will be required for local claims, 2147, 2148.

Possibility of much inconvenience through the Commissioners not being empowered to determine leases given by bishops in cases where local claims exist, 2149–2152. 2182, 2183——Rules and considerations by which hitherto the Commissioners have been guided in complying with local claims as attached to tithes; cases in point, 2154–2172 ——Local claim upon the Commissioners in cases where they hold houses or land, as compared with cases where they hold tithes, 2173 *et seq.*——Where the Commissioners hold large property in houses or land, they should act as regards subscriptions to schools and charitable institutions, &c., just as a trustee landlord should act, 2174–2179. 2183–2210.

Restrictive rather than enlarged sense in which the Commissioners should act as landlords, 2189–2202——Greater advantage, in some respects, to parishes in resident landlords rather than in the Ecclesiastical Commissioners holding land therein, 2196–2202——In saying that places where the Commissioners hold large property in houses or ground-rents, &c., have a claim for spiritual assistance, witness merely gives his individual opinion, 2203–2210.

In former evidence (*Q.* 1834), relative to cases of leases for years, witness meant to speak of a term under twenty-one years instead of under fourteen years, 2211—— Extent to which greater indulgence should be given, and is given, in cases where the term being under twenty-one years, the lessee has but one life in his lease, than in cases where he has three lives; propriety thereof considered, 2211–2230——Nature of the consideration given to the long-continued practice of renewal when a lessee with three lives wishes to enfranchise, 2218–2224——Discretionary interpretation by the Commissioners of the rule "that due regard be had to the long-continued practice of renewal," 2225–2228.

Moral obligation on the Commissioners to enfranchise, or to offer to purchase the lease; they do in fact, always offer to buy or sell, 2231–2234. 2242. 2244——Difficulty, notwithstanding the recent regulation for arbitration as to annual values in some cases where the lessee may wish to buy, but be very reluctant to sell, 2235–2239——Willingness of the Commissioners to abide in all cases by the arbitration, though not binding, 2236–2241——Reluctance of the Commissioners to enfranchise tithes, though in some instances they have advantageously done so for purposes of merger, 2243. 2250–2256. 2299—— Inexpediency of giving a compulsory right of enfranchisement to lessees, 2245–2249.

Further evidence in favour of two rather than three Commissioners for dealing with the executive business of the Estates Committee, 2257–2261. 2275–2285——Advantage of the presence of several Commissioners when questions requiring much deliberation or involving a principle are under discussion, 2259, 2260. 2281——Separate and partly independent action of the Estates Committee adverted to as possibly requiring amendment in the shape of more direct responsibility to the public, 2263–2274——Extent to which the Commissioners generally exercise control over the actions and reports of the Estates Committee, 2272–2274.

Objection to a division of labour and responsibility between two or three Commissioners, 2276, 2277——In executive matters one Commissioner, if his appointment were concurred in by the Crown and the Archbishop, would be better even than two, 2278–2281. 2286, 2287——Unanimity of the Church Estates Commissioners, 2284——Advantage in a third Estates Commissioners, being paid rather than unpaid, 2288. 2295—— Such Commissioner, if appointed at all, should be appointed by the Crown, or by the Crown and the Archbishop conjointly, 2289–2294——Division of labour among the Tithe Commissioners, in which case two of the appointments were by the Crown, 2296–2298 ——Representation respectively of the Crown and the Church in the five members of the Estates Committee, as at present appointed, 2300–2303.

With regard to suspended canonries, witness explains that they are revived only when some special endowment is provided *aliunde*, 2304——The landed property necessary, in addition

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Lefevre, John George Shaw. (Analysis of his Evidence)—*continued.*

addition to rent-charges and ground-rents, for the endowment of the bishops and chapters, would be much less than 300,000 *l.* a year, the sum before stated by witness (*Q.* 1851. 1961), as the probable amount, 2304, 2305.

[Third Examination.]—Explanation as to there having been a want of unanimity among the Church Estate Commissioners in the earlier part of their proceedings, in regard to the principles upon which enfranchisements should take place; Mr. Goulburn, who differed from Lord Chichester and witness, eventually changed his opinion on the subject, 3067——Importance of a third Commissioner in the the event of differences, such as the one referred to, 3068–3072.

Lefevre, Mr. Attendance and valuable services of Mr. Lefevre as one of the Estates Committee; his attendance being now necessarily less frequent, shows the expediency of increasing the number of the committee, *Chalk* 607–618.

Lessees. See *Leaseholds.*

Lichfield, Bishop of. Purchase of land at Eccleshall, Staffordshire, as part of a permanent estate for the see of Lichfield; convenience thereof, *Smith* 963–965.

Commutation payment of 884 *l.* a year to the bishop, in lieu of estates transferred to the Ecclesiastical Commissioners, *App. First Rep. p.* 268.

Lichfield, Dean and Chapter of. Amount of fixed income secured respectively to the dean and canons under the Act 13 & 14 Vict. c. 94, *App. First Rep., p.* 267.

Lincoln, Bishop of. Progress made in regard to the estates to be allowed to the see of Lincoln, *Right Hon. Earl of Chichester* 31–36.

Fixed income of 5,000 *l.* a year secured to the bishop, under the Act 13 & 14 Vict., c. 94, *App. First Rep. p.* 267.

Lincoln, Dean and Chapter of. Statement of the lessees of the Dean and Chapter of Lincoln, as to the enfranchisement of their estates being conducted on voluntary arrangements, *App. Third Rep. p.* 227, 228.

Reference by the Committee to a statement by the lessees of the chapter, on the subject of voluntary dealings between ecclesiastical corporations and their lessees, *Third Rep. p.* ix, x.

Lindisfarne Archdeaconry. Want of power of revision in the Commissioners, in regard to the endowment of the Archdeaconry of Lindisfarne, concerning which the Archdeacon has complained, *Chalk* 664–669.

Livings. Present system of augmentation of livings pursued by the Ecclesiastical Commission; the Commissioners have not as yet had assets, from which they could give capital, *Smith* 5122.

Expenditure of 245,194 *l.* 13 *s.* 3 *d.*, in augmentation of livings, in the years 1853–1855, *App. First Rep. p.* 289.

Letter from the Bishop of Durham to the Ecclesiastical Commissioners, dated 10 July 1846, suggesting that steps be taken to empower the Commissioners to increase livings beyond the amount of 300 *l.* a year, *App. First Rep. p.* 345, 346.

Llanbrynmair, Wales. Mode in which the Commissioners have appropriated tithes to the local claims of this parish, *Chalk* 439, 440.

Llandaff, Bishop of. Fixed income of 4,200 *l.* a year secured to the Bishop of Llandaff, under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Local Claims:

1. *General Course pursued hereon by the Commissioners.*
2. *Practice more especially in the case of Tithes.*
3. *Consideration given to the Question of Local Population.*
4. *Practice in the event of Local Contributions.*
5. *Attention to Local Claims where the Commissioners hold Land.*
6. *Total Amount granted by the Commissioners.*
7. *Question as to different Legislation on the subject.*
8. *Recommendations of the Committee.*

1. *General Course pursued hereon by the Commissioners:*

Explanation as to the course pursued by the Commissioners in making grants for local claims, *Right Hon. Earl of Chichester* 256–273——Belief that there has not been any refusal to consider applications for grants, *ib.* 266, 267——Evidence as to the manner in which the Commissioners deal with local claims; instances in illustration, *Chalk* 408–410. 435 *et seq.*——Instances of cases of local claims, in dealing with which it has not been possible for certain stated reasons, to grant augmentations, *ib.* 442–445. 447, 448——All applications to the Commissioners, though not considered through want of funds, are

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Local Claims—continued.

1. *General course pursued hereon by the Commissioners*—continued.

are only recorded in the office, *Chalk* 476–479——Necessary adoption by the Commissioners of a lower scale of augmentation than that laid down in the Second Report, *ib.* 480.

With respect to certain temporal matters, the Commissioners do not consider that they are called upon to act as trustees for the public, *Lefevre* 2069–2071——Dissatisfaction existing in many places on account of the clause of the Act 3 & 4 Vict., relative to local claims not being carried into effect, *ib.* 2141——Possibility of much inconvenience through the Commissioners not being empowered to determine leases given by bishops, in cases where local claims exist, *ib.* 2149–2152. 2182, 2183——Where the Commissioners hold large property in houses or land, they should act as regards subscriptions to schools and charitable institutions, &c., just as a trustee landlord should act, *ib.* 2174–2179. 2183–2210——Restrictive rather than enlarged sense in which the Commissioners should act as landlords, *ib.* 2189–2202——In saying that places where the Commissioners hold large property in houses or ground-rents, &c. have a claim for spiritual assistance, witness merely gives his individual opinion, *ib.* 2203–2210.

Reference to the declaration in the Act 3 & 4 Vict. c. 113, that nothing in the Act shall be so construed as to prejudice any of the provisions of the Act 2 & 3 Will. 4, c. 45, *Chaytor* 2760, 2761——Enormous difficulty of the position of the Commissioners as regards supplying spiritual destitution, and satisfying local claims; explanation of this difficulty; statement as to what has been the practice with reference to local claims; *Right Hon. S. H. Walpole* 4703, 4726–4756. 4826–4883——Number of rules which apply to the consideration of local claims; these rules read, with observations thereon, *ib.* 4794 *et seq.*——Where the property is not vested in the Commissioners, witness does not see how they can properly attend to the local claims, further than to sanction the act done by the bishop or chapter, *ib.* 4889–4893.

2. *Practice more especially in the case of Tithes:*

Practice to make grants since the appointment of the Estates Committee, under the local claims section of the Act, in respect of tithes accruing to the Commissioners, *Right Hon. Earl of Chichester* 15——Uniform attention paid to local claims where the tithes have been vested in the Commissioners; requirements on this point in the Act 3 & 4 Vict., c. 113, *Chalk* 349. 352–357——Rules laid down that the Commissioners are to apply grants where most required, provided that, with regard to tithe, they consider the wants and circumstances of the parish, *ib.* 486–499.

Different provisions in regard to local claims on rent-charges in the hands of the Commissioners, and on rent-charges belonging to ecclesiastical corporations, *Smith* 1181, 1182——Considerable expense to the Commission, and diminution of their funds, in satisfying the local claims upon rent-charges, *ib.* 1190–1196.

Manner in which as regards tithe rent-charges now accruing to bishops, &c., the Commissioners contemplate to become possessors of the same, and to allot a certain portion of the income to local claims, *Lefevre* 2142–2146. 2153——Rules and considerations by which hitherto the Commissioners have been guided in complying with local claims as attached to tithes; cases in point, *ib.* 2154–2172——Hardship in several cases as regards local claims, in the greatest part of the tithe rent-charge being taken away from the locality, *Chaytor* 2979–2983——Evidence opposed to the plan of not attending to local claims in the case of rent-charges, until the property comes into the possession of the Commissioners; a portion should at once be allotted, *Baxter* 4573 *et seq.*

Observations relative to a suggestion that in the case of a tithe rent-charge the fine paid for the additional renewal proposed to be allowed to the lessee, should be applied to relieve the spiritual destitution of the place where the tithe rent-charge was obtained, *Right Hon. S. H. Walpole* 4772–4790——Witness does not consider that there is any equitable local claim, *ib.*——If the lease had run out, a portion of the property would be immediately applied to supply the local wants of the place, but it is not so in the case of a lease purchased, *ib.* 4778——If in the case of rent-charges the Commissioners were to take fines in perpetuity, they would defeat the local claim altogether; but this is what the Commissioners neither wish to do, nor would Parliament allow them to do, *ib.* 4798–4803.

Observations on the evidence of Mr. Baxter, wherein he states, that where it was tithe rent-charges, if the tithe rent-charge not being in the possession of the Commissioners, could not be given immediately to satisfy the local claim, it would give more satisfaction to appropriate and allot a portion of it now, rather than wait till it come into possession; difficulties in the way of this, as well as in the way of dealing with local claims generally, *Right Hon. S. H. Walpole* 4862–4883——Witness's impression is, that where the Ecclesiastical Commissioners have taken the tithes of any parish into their own hands, they are bound to supply the spiritual wants of that parish from whence the tithe is taken, *Moody* 4958–4970——In the case of dignitaries who receive fixed incomes and pay over the surplus revenues of their property to the Commissioners, the latter do not consider it within their province to lay down fixed rules with respect to the local claims

Local Claims—continued.

2. *Practice more especially in the case of Tithes.*

claims of those places where the revenues arise in the shape of rent-charge, *Chalk* 5040–5044. 5049–5054.

Return of tithe-rent charges vested in the Commissioners in possession, the acquisition of which has not involved any expenditure from the common fund, and upon which local claims have accrued, *App. First Rep. p.* 292, 293.

Return of the rent-charges vested in the Commissioners, the possession of which has been acquired by expenditure out of the common fund, and on which no local claim at present attaches beyond the small rents which were reserved by the beneficial leases of such tithes, *App. First Rep. p.* 294.

Return of tithe rent-charges vested in the Commissioners, the possession of which has been acquired by expenditure out of the common fund, and on which no local claim at present attaches, *App. First Rep. p.* 295, 296.

3. *Consideration given to the Question of Local Population:*

Rules laid down by the Commissioners in February 1844, in regard to augmentations according to the population of the benefices to which they were to apply, &c., *Chalk* 345, 346——Want of funds has precluded augmentations generally, according to the scale of population, *ib.* 350——Comparatively small amount granted in raising stipends up to 80 *l.* where the population is under 500, *ib.* 481–484——There was no difference of scale as to the populations above 3,000, *ib.* 485——Population is an important ingredient, *Lefevre* 2158. 2166——In the case of any district asking for aid, a scattered population, although not so numerous as that of another district, ought to be taken into consideration, *Right Hon. S. H. Walpole* 4791, 4792——Sundry elements necessary to be taken into consideration, *ib.* 4883.

4. *Practice in the event of Local Contributions :*

It is not the power that the Commissioners want to augment in proportion to the contributions of private benefactors, it is the funds they want, *Right Hon. S. H. Walpole* 4717–4719. 4786–4790——The ability of the inhabitants to furnish aid is a ground for consideration, *ib.* 4793——Opinion that it is not competent to the Commissioners legally to give grants in those cases where persons have come forward with others to meet them, *ib.* 4804–4821. 4826 *et seq.*——How far it might be desirable to give a new authority to the Commissioners with reference to a new class of local claims, where offers of contributions are made, *ib.* 4851–4862.

5. *Attention to Local Claims where the Commissioners hold Land :*

Contributions given by the Commissioners as landowners towards local churches or schools, *Chalk* 408–410——In a few special cases additions have been made in parishes where the Commissioners had property not being tithes, *ib.* 486——The same consideration is not given to local claims in the case of land as of rent-charges, *Smith* 1021–1025——Reason for drawing a distinction between local claims on tithes and local claims on other property, *Chalk* 1220–1222——Local claim upon the Commissioners in cases where they hold houses or land compared with cases where they hold tithes, *Lefevre* 2173 *et seq.*——Greater advantage in some respects to parishes in resident landlords, rather than the Ecclesiastical Commissioners holding land therein, *ib.* 2196–2202.

6. *Total Amount granted by the Commissioners:*

The annual sum granted in recognition of local claims is now 12,192 *l.* per annum, *Earl of Chichester* 262; *Chalk* 343——Large sums granted by the Commissioners for the augmentation of benefices, &c., *Chalk* 340–344——Grants amounting to between 30,000 *l.* and 40,000 *l.* made out of the common fund to small benefices, up to 1844, when these grants ceased, *ib.* 340——Land to the extent of 278 A. 1 R. 3 P. has been annexed to benefices, *ib.* 343——A very large sum will be required for local claims, *Lefevre* 2147, 2148.

Summary showing that the Commissioners have made local claim grants to the value of 12,192 *l.* per annum, *App. First Rep. p.* 290, 291.

7. *Question as to different Legislation on the Subject:*

Difficulties of applying any portion of a probable surplus of the common fund towards the relief of the spiritual destitution of any particular place; how far the Commissioners have laid down any principle as to the application of any surplus which may accrue in future years, *Right Hon. S. H. Walpole* 4709–4716. 4726–4754——Extent to which any further legislative enactment on this subject might be necessary, *ib.* 4716–4723——Any further sanction which the Commissioners might receive would be satisfactory to them; but witness would hope that Parliament would not cripple the Commissioners, but leave a large discretion to them, *ib.* 4716–4723——Further statement that in any future legislation on the subject a large discretion should be given to the Commissioners, and the legality of such an exercise of discretion should be affirmed, *ib.* 4884–4888.

Local Claims—continued.

7. *Recommendations of the Committee*—continued.

It has been suggested that local claims, which are at present confined by the existing Acts of Parliament to tithes, should be extended to property of every description, *Third Rep. p.* vii——It has also been proposed that the Commissioners should be enabled to give a preference to the claims of populous places within dioceses from which large funds have been derived, *ib.*——Statement of the Committee that they see no sufficient reason for disturbing the present law under which the property vested in the Ecclesiastical Commission is made applicable to the wants of the whole kingdom, *ib.*

It it desirable to amend the Act 3 & 4 Vict. c. 113, s. 67, in such manner as to enable the Commissioners, in making additional provision in populous places for the cure of souls, to give a preference to those places in which such provision is met by local contributions, *Third Rep. p.* ix.

Where a portion of the revenues of any ecclesiastical corporation arises out of tithes, some provision should be made out of them towards the spiritual wants of the place in which such tithes arise, *Third Rep. p.* ix.

The provisions of the 3 & 4 Vict. c. 113, s. 67, respecting local claims upon the Commissioners in respect of tithes which may become vested in them, should be applicable to any improved value resulting from glebe lands to which the common fund may become entitled, *Third Rep. p.* ix.

See also *Aberdare* (*Glamorganshire*). *Augmentations and Grants.* *Belgrave Parish* (*Lichfield Diocese*). *Bossall* (*Yorkshire*). *Darowen, Wales.* *Durham*, 13. *Newcastle-upon-Tyne.* *Rhes-y-Cae* (*Flintshire*). *Thurlby* (*Lincolnshire*). *Ufton* (*Warwickshire*). *Westminster, Dean and Chapter of*, 8, 9. *Whitby.*

London, Bishop of. On the first avoidance of the see of London it will yield a surplus of 7,000 *l.* or 8,000 *l.* a year to the Commissioners, *Chalk*, 360——Reference to a complaint made in the House of Lords by the Bishop of London of the loss of church income by the appropriation of tithes in lay hands, *Brodrick* 4544.

Amount of commutation payment to the bishop in lieu of estates transferred to the Ecclesiastical Commissioners, *App. First Rep. p.* 268.

London, Dean and Chapter of (*St. Paul's*). Amount of fixed income secured respectively to the dean and canons under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267—— Amount of Government stock standing to the credit of the chapter on 31st October 1855; *ib.* 456.

Londonderry, Lord. Statement of costs paid in respect of the enfranchisement under lease to Lord Londonderry of land under the Dean and Chapter of Durham, *App. First Rep. p.* 455.

Lords' Committee of 1851. See *Enfranchisement.*

Ludlow Estate. Reference to the Ludlow Estate Act, containing recitals showing that the Court of Chancery, sitting in the character of arbitrator, affirmed the equitable claim of the corporation tenants to a perpetual renewal, *Clark* 4679–4686.

M.

Maltby Fund. Annual sums to the amount altogether of 21,275 *l.* have been voluntarily supplied to the Commissioners by the Bishop of Durham for the erection of parsonage houses in the diocese of Durham, *Right Hon. Earl of Chichester* 6-13——There is a considerable balance unexpended, *ib.* 10——Reasons for about 5,000 *l.* of the fund provided by the Bishop of Durham being still unexpended, *ib.* 275-282.

Rules upon which grants are made out of the fund; general concurrence of the bishops therein, *Right Hon. Earl of Chichester* 277-282. 323-327——The fund is only expended to meet benefactions from other sources, so that, as the Commissioners do not grant more than 400 *l.* towards a parsonage house, a similar amount or more must be made up from other sources, else the application for a grant is refused, *ib.* 277-282.

Total of 21,275 *l.* 8 *s.* 4 *d.* received from the Bishop of Durham in the years 1836-1855, *App. First Rep. p.* 286——Total of 16,170 *l.* expended out of the fund in the same period, *ib.*

Receipts in each of the years 1853-1855; *App. First Rep. p.* 288——Expenditure in each of the same years, *ib.* 289.

Return of the number of applications for grants out of the fund in which such grants have either been refused by the Commissioners or have lapsed, *App. First Rep. p.* 297.

Reports, 1856—*continued.*

MANAGEMENT OF ESTATES:

1. *Amount of Property now Managed, or in time to be Managed by the Commissioners.*
2. *General Management vested in the Estates Committee.*
3. *Economy and Efficiency of the Management.*
4. *Episcopal and Capitular Estates Management Bill.*
5. *Advantage of Management by the Commissioners of Estates allotted to Bishops and Chapters.*
6. *Evidence opposed to the foregoing Arrangement.*
7. *Views and Resolutions of the Committee.*

1. *Amount of Property now Managed or in time to be Managed by the Commissioners:*

Considerable amount of property under the management of the Commissioners in Durham, Nottingham, and York, *Right Hon. Earl of Chichester* 163, 164.——The management of 7,410 acres rests with Messrs. Clutton, as agents, and of about 7,000 acres with Messrs. Pickering & Smith, *ib.* 178-180.

Probable difficulty and inconvenience if the management of all capitular and episcopal property be forthwith transferred to the Ecclesiastical Commission, *Chalk* 628, 629——It does not follow that the general course now adopted must of necessity bring considerable masses of property under the management of the Commissioners, *Smith* 826-830——The area now in possession of the Commissioners is about 24,000 acres, of which rather more than 16,800 acres are under the management conjointly of Mr. Pickering and witness, *ib.* 829, 830. 879-884.

When all enfranchisements, &c., are completed, the actual rental for land, independently of rent-charges and ground-rents, would hardly exceed 300,000*l.* a year, *Lefevre*, 1851. 1961, 1962——The landed property necesssary, in addition to rent-charges and ground-rents for the endowment of the bishops and chapters, would be much less than 300,000*l.* a year (the sum stated before by witness) as the probable amount, *ib.* 2304, 2305——Inexpediency of the Ecclesiastical Commissioners holding any considerable surplus estates, *Smith* 5113-5121.

2. *General Management vested in the Estates Committee:*

All matters in respect of management of land belong wholly and solely to the Estates Commitee, *Right Hon. Earl Chichester* 3-5. 107 *et seq.*; *Chalk* 544. 577-579. 587-590. 605——Check upon the accuracy of the half-yearly returns made by those bishops retaining the management of their own estates, *Right Hon. Earl of Chichester* 19-21——General course persued by the Estates Committee in managing the estates vested in the Commissioners, *ib.* 52.

Witness delivers in certain papers as illustrating in detail the mode in which the general Board and the Estates Committee deal with the several branches of business transacted by them, *Earl of Chichester* 177; *and App. First Rep. p.* 269. 360. 365. 375. 418.

Form of terms for letting property on farming leases, *App. First Rep. p.* 410-412.

3. *Economy and Efficiency of the Management:*

Efficiency and moderate expenditure with which the property generally is managed by the agents of the Commissioners, *Right Hon. Earl of Chichester* 167-169——Belief that the whole expense connected with enfranchisement, conversion into stock, sale of stock, and reinvestments in land, is not more than one per cent., *Smith* 955, 956. 959, 960. 983-986. 990-1000.

The property at present in the hands of the Commissioners can without difficulty be managed by them, *Lefevre* 1836——Belief as to a competent management by the Commissioners and their agents; reference more especially to the landed estates at rack-rent, ground-rent, and rent-charges, being easily collected, *ib.* 1850-1853. 1874-1876. 1892-1898. 1961, 1962——Advantage in a personal inspection, by the Ecclesiastical Commissioners, of the estates under their management; this, however, cannot take place frequently, *ib.* 1875, 1876.

4. *Episcopal and Capitular Estates Management Bill:*

Statement of the Marquis of Blandford with reference to the Bill for the better management of Episcopal and Capitular Estates, *App. Third Rep. p.* 201-203.

5. *Advantage of Management by the Commissioners of Estates allotted to Bishops and Chapters:*

Improbability of the bishops wishing to manage the estates, *Right Hon. Earl of Chichester* 98——As regards estates to be transferred to bishops, their mode of management is not yet determined upon, *Smith* 978——Advantage in the transfer to the Commissioners of any particular estate of a see or chapter which requires intricate management; case in point, *ib.* 1166, 1167.

Where the bishop has a fixed sum allotted to him by Act, it would never answer to entrust him with the management of the estate of the see, *Lefevre* 1837——The actual

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Management of Estates—continued.

5. *Advantage of Management by the Commissioners of Estates, &c.*—continued.

management of both episcopal and capitular estates should rest with the Commissioners, who should act as trustees for the bishop and the chapters, *Lefevre* 1838–1841. 1850–1853. 1874 *et seq.*——Any portion of the additional income not required for outlay on the estate should accumulate for the future improvement of the property, or might be carried to a common fund, *ib.* 1838, 1839. 1849. 1907–1913. 1935.

Difficulty of any distinction between the bishops and the chapters in regard to the control of the Commissioners, *Lefevre* 1849—— Probability of chapters managing estates at rack-rent better than bishops would; their management, however, would still be deficient, *ib.* 1849. 1877–1883. 1952–1960. 1971–1979——Objection to any arrangement which would admit of any managing agents or staff other than those of the Commissioners, *ib.* 1889–1892. 1914.

6. *Evidence opposed to the foregoing Arrangement:*

Evidence in approval of the present management, as conducted by the Chapter of Westminster, subject somewhat to the Ecclesiastical Commissioners; the same preferred to a system of management directly by the latter body, *Rev. Lord John Thynne* 2458. 2485 *et seq.*; 2615 *et seq.*——Competency of the dean and chapter to manage their estates, any extravagant or improper expenditure being moreover controllable by the Commissioners, *ib.* 2616. 2619. 2687–2690——Special advantage of the leasehold system as regards the management and improvement of the property, *ib.* 2633–2641——Improbability of the Chapter of Westminster coming voluntarily to the same arrangement for a transfer of the property, as has been come to by the Chapters of York and Carlisle, *ib.* 2642–2644.

The Commissioners would be actuated in their management by a sense of duty; but, in addition to a sense of duty, the dean and chapter would have a personal interest, though to a limited degree, *Chaytor* 2908–2911——Advantage if the management rested with the chapter and a certain number of local laymen, *ib.* 2912–2917——Advantage of the system of re-investing in land at rack-rent, of vesting the same in the dean and chapter, and of advancing money for carrying out improvements, *ib.* 2968–2978——Management by the local body, subject to some control, is far better than management by a Metropolitan Commission, *ib.* 2970–2974.

Way in which witness would suggest that the property should be managed; this would leave it ultimately under local management, *Baxter* 4587–4600——As a permanent arrangement, the keeping of great masses of property in the hands of a central Board is fraught with the greatest possible objection, *ib.* 4589.

7. *Views and Resolutions of the Committee:*

Opinion of the Committee that it is desirable that the members of the Church Estates Commission should visit in person, from time to time, any property which is placed under their management, *Third Rep. p.* ix.

Resolution, that the estates secured to each see should be managed by the bishop, and that the Ecclesiastical Commissioners should provide for a periodical inspection, *Third Rep. p.* ix.

Resolution, that the present system of management by the agents of the Church Estates Commission should be reconsidered, with a view to its greater efficiency, and a possible diminution of expense, *Third Rep. p.* ix.

Statement of the Committee, that for a long period large masses of property must remain under the control and management of the Church Estates Committee, *Third Rep. p.* x.

See also *Accounts. Agents. Buildings. Church Estates Commission. Colleges. Drainage. Durham,* 1. *Estates Committee. Gloucester, Dean and Chapter of,* 6. *Leaseholds. Norwell Estate. Receivers. Repairs and Improvements. Solicitors' Charges. Surveyors' Charges. Tenants at Will. Westminster, Dean and Chapter of,* 1.

Manchester, Bishop of. The income of the Bishop of Manchester is derived from the common fund of the Commissioners, *Right Hon. Earl Chichester* 26, 27——The Bishop of Manchester has scarcely any patronage, *Chalk* 656.

Fixed income of 4,200*l.* a year secured to the bishop under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Manchester, Dean and Chapter of. Amount of fixed income secured respectively to the dean and canons under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Mansfield Woodhouse Perpetual Curacy. Correspondence relating to the provision of a parsonage-house for Mansfield Woodhouse perpetual curacy, out of the Gally Knight Fund; grant sanctioned for the purpose, *App. First Rep. p.* 358.

Margaret's,

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Margaret's, St., Westminster. Correspondence relating to the spiritual destitution of the parishes of St. Margaret and St. John, Westminster, and the endowment by the Chapter of Westminster of Vauxhall Bridge-road Trinity perpetual curacy, *App. First Rep. p.* 349-357.

Maxwell & Bland, Messrs. Statement of costs paid in respect of the enfranchisement of land in the See of York under lease to Maxwell & Bland, *App. First Rep. p.* 454.

Meetings of Commissioners. Meetings of the general Board are held every fortnight during the Session of Parliament, *Right Hon. Earl of Chichester* 122——The judges have never attended, except in one instance, *Chalk* 414——System in regard to the meetings respectively of the general Board of the Estates Committee and of the Church Estates Commissioners, *ib.* 600-604.

Total of ninety-three general meetings of the Board from the commencement of 1851 to the end of 1855, *First Rep. p.* 14——Total of 207 meetings of the Estates Committee from 30th August 1850 to 31st December 1855, *ib.*——Total of 157 meetings of the Church Estates Commissioners from 1st October 1851 to 31st December 1855, *ib.* 15.

See also *Attendance of Commissioners.*

Millington (*Yorkshire*). Plan of Millington Farm and Little Givendale Farm at Millington, *App. First Rep. p.* 458.

Milward, Miss F. Costs paid in respect of the enfranchisement of land in the See of York under lease to Miss F. Milward, *App. First Rep. p.* 454.

Milward, Richard. Statement of costs paid in respect of the enfranchisement of land in the See of York under lease to Richard Milward, *App. First Rep. p.* 454.

Mines. In regard to schemes connected with leasing of mines, the same must be reported to the Board, and sealed by them, *Chalk* 558-561——Object of giving incumbents the power of dealing with mining property, *ib.* 565-568.

Minor Canons. Amount of 864 *l.* expended in respect of income in each of the two years preceding 1st November 1855 in the augmentation of minor canons, *App. First Rep. p.* 289.

Moody, Rev. Clement. (Analysis of his Evidence.)—Has been vicar of Newcastle-upon-Tyne for three years, 4916, 4917——Extent of the parish and population thereof, 4918, 4919——Number of churches within the borough and number of districts; number of clergy, and number of them who are incumbents; how far these incumbents are under the jurisdiction of the vicar, 4920-4924—The average income of the incumbents is about 147 *l.* per annum, 4925——The net income of the vicar last year was only 205 *l.* 5 *s.*; 4926-4934.

The amount of the rectorial tithes of the parish is about 1,800 *l.* or 1,900 *l.* a year, 4935——Witness would say that the whole of the rectorial tithes really and truly are in the possession of the Ecclesiastical Commissioners, 4936, 4937——They are under lease to Sir Matthew White Ridley from the late Bishop of Carlisle; they have now only eleven years to run, 4938-4940——Great want of church accommodation in the parish; only one additional parish church has been built within the present borough of Newcastle since the Reformation, 4941, 4942——Evidence showing that the condition of the parish as regards school accommodation is very bad indeed, 4943-4946.

The condition of the parish has been repeatedly pressed upon the attention of the Ecclesiastical Commissioners, 4947-4950——Witness has himself memorialized the Commissioners upon the present state of things, and applied for an increase of income, 4950——The plan of the Commissioners for increasing the income of the vicar is not by adding to his income, but by subtracting from the population under his charge, 4950-4957——Such a mode of proceeding, if carried out generally, would interfere materially with the position of the chief clergyman in every large town in England, 4950-4957.

Impression that where the Ecclesiastical Commissioners have taken the tithes of any parish into their own hands, they are bound to supply the spiritual wants of that parish from whence the tithe is taken, 4958-4970——Evidence relative to an offer made by the Ecclesiastical Commissioners to send witness 300 *l.* towards the improvement of the vicarage house, on condition that he would meet it with 400 *l.* more, 4971-4976. 5023. 5024——Opinion that it is very inexpedient to transfer the patronage of a living in one diocese to the bishop of another diocese, 4977-4979.

Grounds for the opinion that the parish of Newcastle has a claim upon the Dean and Chapter and the Bishop of Durham, 4980-4999——The Dean and Chapter of Carlisle and the Bishop of Carlisle, who are the owners of the great tithes, are now represented by the Ecclesiastical Commissioners, 5000——Witness has received a notification from the Commissioners that at the expiration of the lease of the tithes the local claims will be considered; but he hopes that they will, and he thinks they ought, to make an advance on behalf of the vicar immediately, 5001-5011.

How far the Dean and Chapter of Durham have done anything towards the schools at Newcastle, 5012-5015——The present Bishop of Durham has done more for Newcastle

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Moody, Rev. Clement. (Analysis of his Evidence)—continued.

than all his predecessors put together; *ib.*——Supposing adequate provision to b for the spiritual wants of Newcastle, witness does not consider that there would be any advantage in the vicar having any pastoral superintendence beyond his own district, 5016.

One great evil resulting from the practice of the Commissioners of endowing districts and not giving the vicar compensation is, that the dissenters are leaving the thickly populated and worst parts of the town, and building chapels in the fashionable parts; evidence relative to a chapel of ease at Westgate having been sold to the dissenters, there not being means to maintain it, 5017-5022. 5026-5029.

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New Churches. See *District Churches.*

NEWCASTLE-UPON-TYNE:

1. *Want of Church and School Accommodation.*
2. *Inadequate Income of the Vicar and Incumbents.*
3. *Claim on the Ecclesiastical Commissioners for Aid.*
4. *Claim on the Dean and Chapter of Durham.*
5. *Support extended by the present Bishop.*
6. *Statement on the Part of the Ecclesiastical Commissioners.*
7. *Correspondence and Memorials relative to Augmentation or Endowment.*

1. *Want of Church and School Accommodation:*

Extent of the parish, and population thereof, *Moody* 4918, 4919——Number of churches within the borough, and number of districts; number of the clergy, and number of them who are incumbents; how far these incumbents are under the jurisdiction of the vicar, *ib.* 4920-4924——Great want of church accommodation in the parish; only one additional parish church has been built within the present borough since the Reformation, *ib.* 4941, 4942——Evidence showing that the condition of the parish as regards school accommodation is very bad indeed, *ib.* 4943-4946.

2. *Inadequate Income of the Vicar and Incumbents:*

Witness has been vicar of Newcastle-upon-Tyne for three years, *Moody* 4916, 4917——The average income of the incumbents is about 147*l.* per annum, *ib.* 4925——The net income of the vicar last year was only 207*l.* 5*s.*; *ib.* 4926-4934——Witness has himself memorialized the Commissioners upon the present state of things, and applied for an increase of income, *ib.* 4950——The plan of the Commissioners for increasing the income of the vicar is not by adding to his income, but by subtracting from the population under his charge, *ib.* 4950-4957——Such a mode of proceeding, if carried out generally, would interfere materially with the position of the chief clergyman in every large town in England, *ib.* 4950-4957.

Evidence relative to an offer made by the Ecclesiastical Commissioners to send witness 300*l.* towards the improvement of the vicarage house, on condition that he would meet it with 400*l.* more, *Moody* 4971-4676. 5023, 5024——Witness has received a notification from the Commissioners that at the expiration of the lease of the tithes, the local claims will be considered; but he hopes that they will, and he thinks they ought to make an advance on behalf of the vicar immediately, *ib.* 5001-5011——Supposing adequate provision to be made for the spiritual wants of Newcastle, witness does not consider that there would be any advantage in the vicar having any pastoral superintendence beyond his own district, *ib.* 5016.

3. *Claim on the Ecclesiastical Commissioners for Aid:*

The rectorial tithes of the parish amount to about 1,800*l.* or 1,900*l.* a year, *Moody* 4935——Witness would say that the whole of the rectorial tithes are really and truly in the possession of the Ecclesiastical Commissioners, *ib.* 4936, 4937——They are under lease to Sir Matthew White Ridley from the late Bishop of Carlisle; they have now only eleven years to run, *ib.* 4938-4940——The condition of the parish has been repeatedly pressed upon the attention of the Ecclesiastical Commissioners, *ib.* 4947-4950——The Dean and Chapter of Carlisle and the Bishop of Carlisle, who are the owners of the great tithes, are now represented by the Ecclesiastical Commissioners, *ib.* 5000.

4. *Claim on the Dean and Chapter of Durham:*

Grounds on which the witness forms the opinion that the parish of Newcastle has a claim upon the Dean and Chapter of Durham, *Moody* 4980-4999——How far the Dean and Chapter of Durham have done anything towards the schools, *ib.* 5912-5015.

5. *Support extended by the present Bishop:*

The present Bishop of Durham has done more for Newcastle than all his predecessors put together, *Moody* 5012-5015.

6. *Statement*

Reports, 1856—*continued.*

NEWCASTLE-UPON-TYNE—continued.

6. *Statement on the Part of the Ecclesiastical Commissioners:*

Evidence showing that the Ecclesiastical Commissioners have done much for Newcastle, *Chalk* 470. 5032 *et seq.*——Formation and endowment of a Peel district adverted to, *ib.* 470——There is no doubt that the case of Newcastle is a very strong one, and when the great tithes fall into the possession of the Commissioners it will be attended to; in the meantime the Commissioners have not neglected Newcastle, *ib.* 5032.

On 10 June 1843 the Commissioners made a grant to the perpetual curate of St. James's, Benwell, of 126 *l.* in perpetuity, and on the same day made a grant in perpetuity of 140 *l.* to St. Anne's, *Chalk* 5032——On 23 May 1844 they constituted the district of Byker, to which they made an annual grant of 150 *l.*, *ib.*——On 6 April 1846 they constituted the district of St. Paul, High Elswick, endowing it with 150 *l.* in perpetuity, *ib.*——They have also provided half the means for erecting a parsonage house for St. James's, Benwell, *ib.*——The Commissioners have also made grants out of the Maltby Fund to the amount of 600 *l.*, *ib.* 5032–5034.

Evidence relative to the offer of 300 *l.* to the vicar, towards repairing the vicarage house; conditions on which this offer was made, *Chalk* 5032–5037——In the case of the great tithes of Newcastle they have not yet come into the possession of the Commissioners, but when they do, according to their usual practice they will not renew the lease, *ib.* 5045-5048.

7. *Correspondence and Memorials relative to Augmentation or Endowment:*

Memorials and Correspondence relating to the augmentation of Newcastle-upon-Tyne, St. Nicholas Vicarage with Gosforth Chapelry; All Saints Perpetual Curacy, St. Andrew's Perpetual Curacy, and St. John's Perpetual Curacy, *App. First Rep. p.* 336-347——Memorial of the clergy of the vicarage, dated 10 October 1837, *ib.* 336, 337——Statement in the memorial as to its being in contemplation to build a second chapel of ease to All Saints parish, *ib.*

Applications in the foregoing memorial and in local correspondence for an augmentation of the emoluments of the incumbents, &c., which emoluments are described as very inadequate, *App. First Rep. p.* 336 *et seq.*——Applications for increased church accommodation, *ib.*——Application for assistance towards a new chapel of ease at Byker, in the parish of All Saints, *ib.* 338.

Memorial of the council of the Borough of Newcastle-upon-Tyne, dated 14 April 1841, requesting a grant from the Ecclesiastical Commissioners in aid of the working clergy of the town, *App. First Rep. p.* 339

Letter and statement by the Rev. R. C. Cole, vicar of Newcastle, dated 2 July 1841, as to the inadequacy of the income of the vicarage and perpetual curacies, *App. First Rep. p.* 339, 340.

Letter from the Bishop of Durham to the Ecclesiastical Commissioners, dated 3 July 1841, requesting assistance from their funds towards the income of the vicar of Newcastle, and of the ministers of the district parishes, *App. First Rep. p.* 340——Statement, dated 9 October 1839, drawn up by the Rev. G. A. Walker, explanatory of the church accommodation, &c., stipends of the ministers, &c., *ib.* 341.

Memorial of the mayor, aldermen and burgesses of the borough to the Ecclesiastical Commissioners, dated 1 May 1844, praying for a grant from the surplus revenues of the diocese of Durham, in augmentation of the living of Newcastle, *App. First Rep. p.* 342, 343——Statement in the memorial that the average net income of the vicar is about 365 *l.* a year, *ib.*

Extract from a letter of the Bishop of Durham, dated 19 May 1844, with suggestions as to the means of augmenting the vicarage, *App. First Rep. p.* 343.

Memorial signed by 866 persons interested in the district, praying for an inquiry into the present state and future prospects of the vicarage, and for an augmentation of its income, *App. First Rep. p.* 344, 345.

Communications from the Ecclesiastical Commissioners in May and July 1844, that the case is not one in which they can render any assistance, *App. First Rep. p.* 344, 345.

Memorial of the church and chapel warders, praying for an augmentation of the vicarage, *App. First Rep. p.* 345——Memorial to the Lord Bishop of Carlisle, signed by 600 of the inhabitants of Newcastle, requesting his Lordship's assistance in forwarding the augmentation of the income of the vicar from some proper ecclesiastical source, *ib.* 346.

Communications from the Ecclesiastical Commissioners in July 1846, stating that it is not in their power to make a grant in augmentation of the income of the vicar, *App. First Rep. p.* 347.

See also *Dissenters.*

Reports, 1856—*continued.*

Newington (Surrey). Consent of the Commissioners in the case of Newington, near Walworth, to endowment by the Dean and Chapter of Canterbury out of ground-rents not vested in the Commissioners, *Chalk* 506, 507.

Northumberland, Duke of. Evidence relative to the Duke of Northumberland having recently offered two munificent sums to relieve the spiritual destitution within the county of Northumberland, on condition of a like grant from the Commissioners; the grounds of the Commissioners' refusal was, that they had no surplus funds applicable to the purpose, *Right Hon. S. H. Walpole* 4835-4850.

Correspondence in 1856 between the Duke of Northumberland and the Ecclesiastical Commissioners relating to the spiritual destitution of the diocese of Durham; proposed benefaction by his Grace the Duke of Northumberland on certain terms, which are not accepted, *App. Third Rep. p.* 211, 212——The Duke first offers to contribute 2,500 *l.* a year for four years, and subsequently offers to contribute a lump sum of 16,000 *l.*, and to advance to the Commissioners the other sum of 16,000 *l.*, at four per cent. interest, *ib.*

Norwell Estate:

1. *Purchase of the Estate adverted to.*
2. *Extent of the Estate in* 1850 *and at the present Time.*
3. *Rentals in* 1851 *and in* 1856.
4. *Generally as to the Management through Messrs. Pickering & Smith.*
5. *Buildings.*
6. *Drainage.*
7. *Clearance of Woodland.*
8. *Notices to quit, as given by Mr. Pickering.*
9. *Feeling of the Tenants towards the Commissioners' Agents.*
10. *Contributions towards the Parish Church and Schools.*
11. *Details of Mr. Pickering's Report of October* 1850.
12. *Plans in Elucidation of the foregoing Report.*
13. *Remissions of Rent in* 1850.
14. *Woodhouse Common Farm.*
15. *Costs and Charges of Solicitor and Surveyor.*
16. *Correspondence relative to the Enfranchisement of Mr. Denison's Property.*

1. *Purchase of the Estate adverted to:*

Exceptional circumstances under which the property at Norwell, Nottinghamshire, was purchased by the Ecclesiastical Commissioners, *Smith* 827——After about 850 acres had come into the hands of the Commissioners it was considered more desirable to obtain, as far as possible, the rest of the estate, than to sell what had been obtained, *ib.*

2. *Extent of the Estate in* 1850 *and at the present Time:*

The Norwell estate comprises about 1,740 acres, of which 1,300 are now in the possession of the Commissioners, *Pickering* 1233——The Commissioners in 1850 held only 850 acres of the estate, *ib.* 1247.

3. *Rentals in* 1851 *and in* 1856*:*

Total rental of 1,133 *l.* in 1851, and of 1,374 *l.* in 1856, *App. First Rep. p.* 407.

4. *Generally as to the Management through Messrs. Pickering & Smith.*

General manner in which the property at Norwell is managed, *Right Hon. Earl of Chichester* 165-176.

Reference to a paper submitted to the tenants containing the terms on which the Commissioners were willing to make agreements, *Smith* 858-868——Proportion of the annual value to the value in fee in the case of the Norwell estates, *ib.* 1130——Of sixty lessees six only have not agreed to enfranchise, *Pickering* 1233——Exceptional character of the estate, as regards its management, *ib.* 1234, 1235.

A Report, dated 22 October 1850, shows the basis of the management, *Pickering* 1236, and *App. First Rep. p.* 375 *et seq.*——Leading suggestions contained in the Report of 1850 relative to the Norwell estate, *Pickering* 1247, 1248——The number of tenants is about the same as in 1850, the holdings having been much increased, *ib.* 1251——Employment of Mr. Denman to effect the tenant-right valuations; copy of instructions given to him by witness, dated 23 March 1854, *Pickering* 1252, 1253, and *App. First Rep. p.* 400-402——Explanation relative to complaints by Mr. Denison that the accounts now before the Committee are incomplete, *Pickering* 1258-1273, 1280-1284.

Witness is a land agent, and owner and occupier of land, *Beasley* 1665, 1666. 1672, 1673——Has recently inspected the Norwell estate vested in the Ecclesiastical Commissioners; circumstances under which he did so, *ib.* 1667. 1674-1681——Approval of the re-arrangement of farms on the estate as carried out in a very satisfactory and advantageous manner, *ib.* 1668. 1670.

Witness

Reports, 1856—*continued.*

Norwell Estate—continued.

4. *Generally as to the Management, &c.*—continued.

Witness farms 900 acres of land near the Norwell estate, *Harvey* 1785, 1786——Has recently visited the estate, *ib.* 1787, 1788——Considers the recent re-arrangements of the occupations there to have been judiciously carried out, *ib.* 1789. 1794.

Witness is not able to offer any explanation in regard to an incomplete paper put in by Mr. Pickering relative to the Norwell estate, but will see that a return in detail is laid before the Committee, *Chalk* 1810–1816.

5. *Buildings:*

As regards buildings on the Norwell estate, they have been managed by Mr. Pickering under the sanction of the Estates Committee, *Smith* 872-875. 877, 878.

Reference to reports in April and June 1853 and August 1854, as containing explanations relative to the outlay on buildings, *Pickering* 1254——Rebuilding of the premises attached to Knight's farm at a cost of about 1,600 *l.*, *ib.*——Expenditure since Midsummer 1855 of about 180 *l.* on the house lately belonging to Mr. Drury; increased rental obtainable in consequence, *ib.* 1274–1279——Examination as to the expediency of the outlay of 1,600 *l.* on farm buildings at Mr. Knight's, *ib.* 1329 *et seq.*

More eligible situation of the new buildings thus erected than of the buildings at Mr. Drury's, or than if erected in a more central part of the farm, *Pickering* 1329–1365——Belief that the distance between Mr. Drury's farm buildings and Mr. Knight's farm is 960 yards, *ib.* 1331–1339——Advantage in expending 1,600 *l.* on new buildings on the present site rather than of enlarging Mr. Drury's buildings at a probable expense of more than 600 *l.*, *ib.* 1337–1365——With respect to the return for outlay on drainage and on buildings at Knight's, &c. there has been an increased rent of 360 *l.* in consideration of a total expenditure of more than 6,000 *l.*, 1366–1380——Admission that the new buildings at Knight's are inadequate as regards the room for carts and implements, *ib.* 1387–1389.

Witness is an owner and occupier of land, and has been extensively employed in agencies and valuations, *Parkinson* 1552–1554——Was one of the Commissioners for the enclosure of the parish of Norwell, *ib.* 1555, 1556——Has seen the buildings recently erected by the Ecclesiastical Commissioners on Knight's farm, on the Norwell estate, *ib.* 1557, 1558——The present rents at Norwell may be considered full rents, and should not be unduly increased in consequence of outlay on buildings, *ib.* 1559–1562——An enlargement of Drury's buildings would have answered the purposes as well as the erection of new buildings at Knight's, *ib.* 1563–1568. 1573——The distance from Drury's to Knight's buildings has been measured to be 345 yards, *ib.* 1568——Improper situation chosen for the new buildings; more central situation which should have been selected, *ib.* 1569–1574. 1581, 1582.

Approval generally of the new buildings recently erected for witness; they are defective, however, as regards room for implements and carts, and as regards the situation, which should have been more central, *Knight* 1610–1615. 1627–1634. 1651, 1652——Witness does not know the cost of the buildings, *ib.* 1616–1619——He does not consider that he should be charged additional rent in respect of the outlay on the buildings, *ib.* 1623–1626. 1646–1648. 1654–1659——Absolute necessity of new buildings on the farm, *ib.* 1649–1653——Drury's buildings are more than 400 yards from witness's, and would not have answered even if enlarged, *ib.* 1660–1664.

Belief that the expenditure of about 3,000 *l.* on new buildings has been a judicious one, *Beasley* 1669. 1671——Advantage of Knight's buildings being erected near the village rather than in the centre of the farm, *ib.* 1682–1695——Material alteration necessary if the buildings lately occupied by Mr. Drury were used for the purposes of Knight's, *ib.* 1698–1705——The new buildings do not contain habitations for the farm labourers, *ib.* 1717, 1718.

Corrections of former statements as to the distance from Drury's house to Knight's; it is about the fifth of a mile, *Pickering* 1735——Comments upon the objections raised by Mr. Parkinson as to the situation of Knight's farm buildings, *ib.* 1765–1767——The future arrangements with Mr. Knight are quite understood by him, *ib.* 1770.

Witness approves of the situation of Knight's farm buildings, and considers it preferable to that recommended by Mr. Parkinson, *Harvey* 1789–1792——Witness is a friend of Mr. Pickering, and holds church property at Balderton under the Commissioners, *ib.* 1795–1801.

Letter from Messrs. Pickering & Smith to the secretary to the Commissioners, dated June 1851, relative to the improvement of the farm buildings, &c., *App. First Rep. p.* 391, 392.

Correspondence in April and June 1853 with respect to new or improved buildings on Knight's, Morley's and Pearce's farms; sanction by the Commissioners of the outlay of 2,000 *l.* on the additional works recommended, *App. First Rep. p.* 392-394.

Specifications for sundry works and buildings, and plans in elucidation thereof, *App. First Rep. p.* 394-397.

Reports, 1856—*continued.*

Norwell Estate—continued.

5. *Buildings*—continued.

Letter from Messrs. Pickering & Smith, dated 15 August 1854, requesting sanction for an outlay of 669 *l.* 8 *s.* 1 *d.* on several small buildings; specifications and plans containing particulars thereon, *App. First Rep. p.* 394-399——Sanction given by the Commissioners to the foregoing recommended outlay, *ib.* 399.

Expenditure of 3,089 *l.* for buildings and repairs between 1851 and 1855, *App. First Rep. p.* 407——Details of the foregoing sum, *ib.* 408——Charges of architect and surveyors in respect of the same, *ib.* 409.

Expenditure in respect of buildings on the several ho dings, from 15 August 1854 to 1 January 1856; total of 993 *l.* 9 *s.* 11 *d.*, *App. First Rep. p.* 409.

Letter from Messrs. Pickering & Smith to Mr. Denman, dated 23 March 1854, with respect to changes of tenancy of certain lands, and showing the proposed altered holdings in the case of Mr. Knight, Mr. Curtis, and other tenants, *App. First Rep. p.* 400-402.

6. *Drainage:*

Six hundred and sixty-seven acres have been drained at an expense of about 4 *l.* 18 *s.* per acre, *Pickering* 1255——Employment of Mr. Webb as foreman of drainage at a salary of 2 *l.* a week paid by the Commissioners, *ib.* 1285. 1303. 1312-1319——Employment before Mr. Webb of a nephew of witness for about three months as superintendent of the drainage; belief that the Commission was not charged any expense on this score, *ib.* 1286-1328——Competency of witness's nephew in regard to the work entrusted to him, *ib.* 1288-1290.

Imperfect and expensive manner in which the drainage of certain lands was conducted by Mr. Pickering's nephew, *Curtis* 1467-1474——Doubt as to the number of acres held by witness which was thus badly drained, *ib.* 1476-1482.

Satisfactory character of the drainage carried out on witness's land by Mr. Pickering's nephew and others, *Knight* 1602-1607.

Explanation as to the mode of payment of witness's nephew for superintending the drainage, showing that he was paid by the Commissioners, according to a fixed scale, *Pickering* 1733-1735——The Norwell estate has for the most part been drained to a depth of four feet, *ib.* 1772.

Letter from Messrs. Pickering and Smith, dated 4 December 1850, as to the mode in which the drainage of the estate should be carried on, *App. First Rep. p.* 390——Authority given for carrying out the drainage as suggested by Messrs. Pickering & Smith, *ib.*

Letter from Messrs. Pickering & Smith to the secretary to the Commissioners, dated 12 June 1851, relative to the drainage, &c. of the estate, *App. First Rep. p.* 391, 392.

Detailed statements relating to the drainage of the estate in each of the years 1851-54, showing the lands of each occupier which were drained, the amount and cost of labour, and of the materials, and the total cost, *App. First Rep. p.* 402-405. 408.

Cost in 1852, 1853, and 1854, on account of direction and superintendence of drainage at 5 *s.* an acre, *App. First Rep. p.* 403-495. 407, 408.

7. *Clearance of Woodland:*

Examination with reference to the measures adopted for grubbing about forty-four acres of wood in 1855, *Pickering* 1394-1411——Belief that the increased expense consequent upon not grubbing in the usual way and upon the advance of wages will be less than 2 *l.* an acre, instead of 5 *l.* an acre, as estimated by Mr. Denison, *ib.* 1399, 1400. 1407-1411——Reason why the grubbing was not performed in the usual and most easy way, and as deferred till 1855, when labour was very dear, *ib.* 1398. 1400-1406——The costs, including drainage, will be about 18 *l.* an acre, the timber being worth about 16 *l.* an acre, *ib.* 1410. 1416, 1417——Estimated rent of 28 *s.* an acre for the woodland when cleared, *ib.* 1412-1414. 1418——Latterly the woodland has not paid the current expenses, *ib.* 1415, 1416.

Recommendation by Messrs. Pickering & Smith in April 1855, that certain woodlands be cleared, *App. First Rep. p.* 400——Sanction given thereto by the Commissioners, *ib.*

8. *Notices to Quit as given by Mr. Pickering:*

Examination as to the leading tenants on the estate having received notice to quit from witness's firm as agents, or rather from witness's partner, without the previous consent of the Estates Committee; the notices were given chiefly for the purpose of putting the tenants under an uniform agreement, *Smith* 837-871. 885-898——It would have been better if the notices to quit in the Norwell case had first been brought before the Committee, *ib.* 844. 848, 849. 895, 896——The notices have not been withdrawn, *ib.* 855-857.

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NORWELL ESTATE—continued.

8. *Notices to Quit as given by Mr. Pickering*—continued.

Seven or eight notices to quit have been given to tenants at Norwell without special sanction from the Commissioners, *Pickering* 1237, 1238——Dissatisfaction of only one tenant, Mr. Curtis, in regard to the notices, *ib.* 1245, 1246——Twofold object in giving the notices to quit, *ib.* 1247.

Evidence relative to notices to quit received by witness in October last, and within the last few days; comments on a notice given by Mr. Pickering on Tuesday last, that witness must give up sixteen acres of wheat and seven acres of grass next Saturday, *Curtis* 1445–1451. 1489–1516———When witness received the notice in October he was told not to take the least notice of it, *ib.* 1446. 1451——Objection of witness to exchange the wheat land in question, *ib.* 1450, 1451. 1489–1501. 1510–1523.

Explanation relative to the notice given to Mr. Curtis in October last, and recently; twofold objects in view in giving such notice, *Pickering* 1524–1535——It is not the fact that when the notice in October was given, it was stated that no notice need be taken of it, *ib.* 1531——In recently intimating to Mr. Curtis that his tenancy would expire on Saturday next, witness fully intended that, had he not appealed to the Commissioners, he should quit on that day, *ib.* 1536–1545.

Reference to a notice to quit received by witness last Michaelmas; impression as to its object, *Knight* 1622–1626. 1635–1642——Consideration of the propriety of the course adopted by Mr. Pickering in giving notices to quit to the Norwell tenants; great consideration desirable in such cases, *Beasley* 1706–1716.

Statement as to witness having given the notices to quit with a view of raising the rents, though in the case of Mr. Curtis he intended to make use of the notice as a means of obtainining an exchange of lands, *Pickering* 1768, 1769. 1773–1775. 1782——Mr. Curtis's case has not yet been settled, but if the notice be for the present withdrawn it should again be renewed, so as to enable the Commissioners to carry out the transfer, *ib.* 1771. 1779–1783——Inaccurate statement of the tenant, George Clarke, that till the 2d instant he was not satisfied he was to quit the land about which the notice had been given, *ib.* 1777——The exchange made for Clarke is an advantageous one for him, *ib.* 1778.

Witness would not so have acted if in Mr. Curtis's place, as to subject himself to the liability to quit certain lands on a few days' notice, *Harvey* 1802–1809.

9. *Feeling of the Tenants towards the Commissioners' Agents:*

Belief that the Norwell tenants were never dissatisfied, *Smith* 847. 870, 871——Willingness of the tenants, with the exception of Mr. Curtis, to testify to the Committee in favour of the management of witness, *Pickering* 1246——Facility for the tenants to make complaints to the Commissioners, which they have never done, *ib.* 1256, 1257.

Witness has occupied different lands in the parish before they were sold to the Ecclesiastical Commissioners, *Curtis* 1429–1431——He has never seen any one on the part of the Commissioners, except Mr. Pickering, and has not received from him such treatment as conduces to good farming, or to confidence in the holding of his land, *ib.* 1432 *et seq.* ——Was at first much disinclined to make statements before the Commissioners which might bring him into collision with Mr. Pickering, *ib.* 1438–1441——Instances of a field having been taken from witness in 1854, at a valuation which he considered very low, *ib.* 1442, 1443——Almost every year land has been taken from witness, or exchanged for other land, *ib.* 1444.

Instance of witness having drained land at his own expense, for which he has received no compensation on its transfer by Mr. Pickering to other parties, *Curtis* 1452–1465 ——Increased rent paid by witness in the case of undrained land held by him, and subsequently drained, *ib.* 1454. 1460. 1466. 1475——Though witness is dissatisfied with Mr. Pickering's treatment of him, he is anxious to return his present holding under the Commissioners at the present rent, *ib.* 1517–1523.

Remarks on the course pursued by Mr. Curtis, to the effect that he is the only discontented tenant on the Norwell estate, though he holds the best farm, and that he is constantly obstructing improvements contemplated by witness, *Pickering* 1525.

Witness occupies about 220 acres of land on the Norwell estate, *Knight* 1592, 1593 ——Is satisfied with his treatment by the agent of the Ecclesiascical Commissioners, *ib.* 1594——The tenants generally are satisfied with Mr. Pickering as agent; letter to him signed by ten of them, dated 7 April 1856, expressing such satisfaction, *ib.* 1595–1598——How such letter originated, *ib.* 1599–1601——Witness pays a rent of 345 *l.* a year, *ib.* 1609.

Mr. Templeman, one of the tenants at Norwell, the same who drew up the complimentary letter to witness, without his knowledge, has been employed as local agent, *Pickering* 1755–1761——As regards Mr. Curtis not feeling confidence about a certain holding, witness explains that he suggested his having a lease of it, *ib.* 1784.

Reports, 1856—*continued.*

Norwell Estate—continued.

10. *Contributions towards the Parish Church and Schools:*

Insignificant outlay by the Commissioners in repairing the parish church of Norwell, *Pickering* 1419–1423——The agents have had nothing to do with payments towards the local schools or charities, *ib.* 1424, 1425——It is contemplated to repair the churchyard walls during the present year at the expense of the Commission, *ib.* 1426, 1427.

A memorial has been received within the last ten days at the office of the Commission from the vicar and churchwardens of the parish of Norwell, *Chalk* 2306–2308.

11. *Details of Mr. Pickering's Report of October* 1850:

Letter from Messrs. Pickering & Smith to the secretary to the Commissioners, dated 21 October 1850, relative to the state of the several farms occupied at rack-rent under the Commissioners, *App. First Rep. p.* 375, 376——Reference to the extent of the property as 850 acres comprised in fourteen farms, *ib.* 375——Remarks on the foregoing letter as to the repairs under Caudwell's lease being neglected, *ib.*——Objection in the letter to a permanent reduction of rental in consequence of the depression of prices, &c., *ib.*

Suggestions in the letter of October 1850 for an outlay of 2,500 *l.* in drainage and of 500 *l.* on the improvement of farm buildings, *App. First Rep. p.* 376 *et seq.*——Recommendation that no further sales of reversions should take place, *ib.* 376——Recommendation also that the Commissioners should repossess themselves of some of the reversions sold, which are twenty in number, comprising 188 acres, *ib.*

Particulars enclosed in the foregoing letter of Messrs. Pickering & Smith as to the cultivation of each holding, with suggestions for the improvement of the property, and for an alteration in the holdings of the several tenants. *App. First Rep. p.* 377–388—— Particalars as to the cultivation of the lands leased to John Caudwell, comprising 55 A. 3 R. 27 P.; remarks and suggestions thereon, *ib.* 377.

Particulars as to the cultivation of the lands let to Joseph Curtis, comprising 176 A. 0 R. 6 P.; Remarks and suggestions thereon, *App. First Rep. p.* 378—— Particulars as to the cultivation of the land let to Samuel Curtis, junior, comprising 162 A. 0 R. 14 P.; remarks and suggestions thereon, *ib.* 379.

Particulars as to the cultivation of the lands let to John Gray, comprising 67 A. 0 R. 26 P.; remarks and suggestions thereon, *App. First Rep. p.* 380——Particulars as to the cultivation of the lands let to William Knight, comprising 111 A. 3 R. 32 P.; remarks and suggestions thereon, *ib.* 381.

Particulars as to the cultivation of the lands let to Thomas Marshall, comprising 54 A. 3 R. 13 P.: remarks and suggestions thereon, *App. First Rep. p.* 382——Particulars as to the cultivation of the lands let to Joseph Pearce, comprising 103 A. 2 R. 30 P.; remarks and suggestions thereon, *ib.* 383.

Particulars as the cultivation of the lands let to Thomas Radford, comprising 12 A. 1 R. 18 P.; remarks and suggestions thereon, *App. First Rep. p.* 384——Particulars as to the cultivation of the lands let to John Rose, comprising 13 A. 3 R. 20 P.; remarks and suggestions thereon, *ib.* 384.

Particulars as to the cultivation of the lands let to Joseph Templeman, comprising 40 A. 3 R. 4 P.; remarks and suggestions thereon, *App. First Rep. p.* 385——Particulars as to the cultivation of the lands eased to Thomas Wilson, comprising 25 A. 2 R. 23 P.; remarks and suggestions thereon, *ib.*

Particulars as to the meadow allotment let to Ann Buttery, comprising 26 A.; remarks and suggestions thereon, *App. First Rep. p.* 386——Particulars as to the lands and cottages let to Elizabeth Davidson, comprising 3 A. 1 R.; remarks and suggestions thereon, *ib.*

Particulars as to the cultivation of the lands, &c., let to Joseph Unwin, comprising 3 A. 0 R. 20 P.; remarks and suggestions thereon, *App. First Rep. p.* 387——Particulars as to the tenements, &c., let to cottage occupiers; rentals in each case, *ib.*

Summary (by Messrs. Pickering & Smith) of present holdings, and summary of proposed holdings (21 October 1850), *App. First Rep. p.* 388.

12. *Plans in Elucidation of the foregoing Report:*

Explanation of the mode in which the recommendations of witness's report of 1850 have been carried out; reference to plans hereon, *Pickering* 1249 *et seq.*, and *App. First Rep. p.* 458.

Plan of the parish of Norwell, showing the lands of the Ecclesiastical Commissioners in possession, the lands on lease, and the freehold lands, *App. First Rep. p.* 458—— Further plan showing in a more detailed form the lands in hand and the lands let on beneficial leases, *ib.*——Plan with reference to the lands to be detached from and attached to Marshall's farm, *ib.*——Two other plans in elucidation of the present and proposed holdings of the several tenants on the estate, *ib.*

13. *Remissions*

Reports, 1856—*continued.*

Norwell Estate—continued.

13. *Remissions of Rent in* 1850:

Letter from Messrs. Pickering & Smith to the secretary to the Commissioners, dated 27 November 1850, suggesting a temporary allowance of fifteen per cent. from the Lady-day and Michaelmas rents of the several tenants of the Norwell estate to be expended in artificial manures, *App. First Rep. p.* 389——Further letter from Messrs. Pickering & Smith, dated 3 December 1850, with reference to the temporary allowance of fifteen per cent. from the rents due at Michaelmas 1850 and Lady-day 1851, *ib.* 389, 390.

Authority given by the Commissioners for the temporary remissions of rent recommended by Messrs. Pickering & Smith, *App. First Rep. p.* 390, 391.

14. *Woodhouse Common Farm:*

Letter from Messrs. Pickering & Smith to the Commissioners, dated 27 November 1850, recommending the postponement for a short time of the letting of the Woodhouse Common Farm, *App. First Rep. p.* 389.

Further letter from Messrs. Pickering & Smith to the secretary to the Commissioners, dated 12 June 1851, relative to the letting of the Woodhouse Common Farm to Mr. Morley, *App. First Rep. p.* 391, 392.

15. *Costs and Charges of Solicitor and Surveyor:*

Solicitor's costs and charges in respect of the estate for the years 1846–55, total of 1,440 *l.* 12 *s.* 6 *d.*, *App. First Rep. p.* 406.

Surveyor's costs and charges in respect of the estate from January 1847 to January 1856, *App. First Rep. p.* 406–408——Sum paid to the surveyors since 1851, as receivers of the rents, *ib.* 406——Charges since 1850 in respect of negotiations and reports as to sales and purchases, *ib.* 407——Total of 825 *l.* 14 *s.* 2 *d.* as surveyor's charges under various heads since January 1847, *ib.*

16. *Correspondence relative to the Enfranchisement of Mr. Denison's Property:*

The papers relative to the enfranchisement of some property in Norwell, held on lease by Mr. J. E. Denison, have been delivered to the Committee in a complete form, *Chalk* 720–726, and *App. First Rep. p.* 365–374——The only papers omitted from the file of documents relative to Mr. Denison's property are some private letters, which can, if Mr. Denison wishes, be produced, *Chalk* 728.

Letter from Mr. Huskinson, on the part of Mr. Denison, to the Commissioners, dated 22 April 1852, with reference to the enfranchisement of about 109 acres of land held by Mr. Denison on lease from the Commissioners, *App. First Rep. p.* 365.

Proposal on the part of the Commissioners to accept 1,639 *l.* for the reversion of the land, *App. First Rep. p.* 366.

Correspondence relative to the foregoing proposal, showing that the price fixed for the reversion of Pearce's farm is 521 *l.*, and of Clarke's farms 1,118 *l.*, *App. First Rep. p.* 367.

Letter from Mr. Huskinson to the secretary of the Commissioners, dated 24 May 1852, stating that the valuation of Clarke's farms on the part of the Commissioners is too high, and containing data on which he values the reversion at 997 *l.*, *App. First Rep. p.* 367-369.

Further correspondence on the subject, and acceptance ultimately by Mr. Denison of the price of 1,639 *l.* as proposed by the Commissioners for the reversion of the two farms, *App. First Rep. p.* 370–374.

Norwich, Bishop of. Fixed income of 4,500 *l.* a year secured to the Bishop of Norwich, under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Norwich, Chapter of. Amount of 18,784 *l.* 1 *s.* 11 *d.*, in Government Stock, standing to the credit of the chapter on the 31st October 1855, *App. First Rep. p.* 456.

Notices to Quit. Before giving notice to quit, the ordinary practice of the agents of the Commissioners is to obtain the sanction of the Estates Committee; propriety of such sanction being required, *Smith* 839. 842–844. 849. 893–896——Authority of the agents, under the report of October 1850, to give notices to quit, *Pickering* 1239. 1241–1244. 1402——Propriety of a large discretion in agents in regard to notices, *ib.* 1240.

See also *Norwell Estate*, 8.

O.

Offices (*Ecclesiastical Commission*). Payment of 2,525 *l.* on account of increased office accommodation, during the three years preceding the 1st November 1855, *App. First Rep. p.* 289.

Official Establishment. Expense of the official establishment of the Commission, in each of the years 1853–55, *App. First Rep. p.* 289.——*See* also *Staff, &c.*

Reports, 1856—*continued.*

Orders in Council. Mode of preparation of the Orders in Council, passed with reference to the working of the Commission, *Chalk* 380–383.

Orton Longueville. Correspondence, &c. relating to the enfranchisement of certain lands, &c. in the parish of Orton Longueville, held on lease by the Marquis of Huntly, *App. First Rep. p.* 360–364.

Oswald, St. (Durham). Correspondence, &c. in 1854 and 1855, relating to the enfranchisement of certain property in the parish of St. Oswald, Durham, held by Messrs. Backhouse on lease, under the Chapter of Durham, *App. First Rep. p.* 413–417.

Oxford, Dean and Chapter of. Reference to the exclusion of the property of the Dean and Chapter of Oxford from the Enfranchisement Act; grounds upon which it was excluded; reasons for forming the opinion that an Act should be passed authorising them to enfranchise their property, *Pidcock* 3971–3982.

P.

Pancras Estate. Receipts on account of this estate, in each of the years 1853–54, *App. First Rep. p.* 288——Payments on account of the estate during the same years, *ib.* 289.

Parkinson, John. (Analysis of his Evidence.)—Is an owner and occupier of land, and has been extensively employed in agencies and valuations, 1552–1554——Was one of the Commissioners for the enclosure of the parish of Norwell, 1555, 1556——Has seen the buildings recently erected by the Ecclesiastical Commissioners on Knight's farm, on the Norwell estate, 1557, 1558——The present rents at Norwell may be considered full rents, and should not be unduly increased in consequence of outlay on buildings, 1559–1562.

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3. *Province of York:*

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5. *Christchurch, West Hartlepool:*

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[Third Examination.]—Explanation as to the mode of payment of witness's nephew for superintending the drainage, showing that he was paid by the Commissioners according to a fixed scale, 1733–1735——Scale of prices fixed in December 1850, relative to drainage; the charge of 5 *s.* per acre does not cover the allowance to the foreman, 1733–1735. 1738. 1743, 1744. 1762–1765——Correction of former statement as to the distance from Drury's house to Knight's; it is about the fifth of a mile, 1735.

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Witness believes that it has been the practice of the Ecclesiastical Commissioners, who have now the management of the Bishop of Worcester's estates, to refuse to renew, 3896-3900——This places the lessee in the position that he must either enfranchise or gradually lose his estate, 3898——There have been a large number of enfranchisements, but witness doubts very much whether the lessees have been pleased with the terms, 3901-3914.

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Witness would compel corporations to enfranchise in the same way as he would compel the church, 3934-3937——Witness's view would be to convert leaseholders generally into freeholders upon fair terms, on account of the present usage of renewal, 3938-3944 ——Witness would make it compulsory upon the owner so to convert it, 3940, 3941 ——Even in the case of the lessee not having capital at his command to pay for enfranchisement, there would be the means of raising the money either by mortgage, or by sale of the property, 3942.

Witness trusts to live to see the day when all church property will be enfranchised, 3945——A great advance has been made in this direction under the Ecclesiastical Commission, 3946, 3947——Advice that the Commissioners purchase freehold estates with the money derived from enfranchisement, 3948-3959——Objection to the church or corporations holding property in fee, and dealing with it as other proprietors, 3960-3970.

Reference to the exclusion of the property of the dean and chapter of Oxford from the Enfranchisement Act; grounds upon which it was excluded; reasons for forming the opinion that an Act should be passed authorising them to enfranchise their property, 3971-3982——Evidence in detail relative to the cost of enfranchisement, 3982-3997. 4003-4005——Evidence as to the expenses of renewal, 3998-4002——Opinion that the Church Estates Commissioners ought to pay the expenses of enfranchisement out of the funds in hand, 4006-4019.

Plans. Sundry plans in elucidation of evidence, and of papers laid before the Committee, *App. First Rep. p.* 458.

Pott, Charles. (Analysis of his Evidence.)—Observation that witness is prepared to support the allegations of the petition of the lessees and sub-lessees of the Winchester Park Estate, and to suggest the necessity of an express enactment to prescribe the principle on which the enfranchisement of house property should be made, 5055——And to provide for the terms of value being referred to arbitration in cases where any difference exists, *ib.*——Witness delivers in the opinions of two actuaries in support of the allegations of the petition above referred to, *ib.*

Pott, Messrs. Statement delivered in by Messrs. Pott as to the respective rights of lessees and sub-lessees under section 3 of the Act 14 & 15 Vict. c. 104, *App. Third Rep. p.* 223.

Reports, 1856—*continued.*

Preston. Plan of church property at Preston, East Riding of Yorkshire, *App. First Rep. p.* 458.

Private Bills. Return of all expenses incurred by the Ecclesiastical Commissioners in opposing Private Bills in their passage through Parliament, distinguishing those cases in which the opposition has not been persisted in, and stating separately the expenses of each case, *App. Third Rep. p.* 221.

Proceedings of the Committee. Resumé of the proceedings of the Committee *de die in diem, Third Rep. pp.* xi, *et seq.*——Draft report proposed by the Chairman, *ib.* xxiii.

Property and Income Tax (Chapter of Durham). Correspondence between the Ecclesiastical Commissioners and the Chapter of Durham relative to the income-tax on canonical stipends, Durham; payment eventually of the income-tax to the Commissioners, *App. First Rep. p.* 250–260.

Balance of receipts on account of property and income-tax in each of the three years preceding 1 November 1855, *App. First Rep. p.* 288.

Provence Farm (Yorkshire). Plan of Provence farm in the townships of South Cane and Bromfleet, East Riding of Yorkshire, *App. First Rep. p.* 458.

Purchases of Estates. Amount expended by the Commissioners in the purchase of estates in each of the years 1853–55, *App. First Rep. p.* 289.

Q.

Queen Anne's Bounty. Arrangement in 1844 for a loan of 600,000 *l.* from Queen Anne's Bounty, with reference to the creation and endowment of new districts, *Chalk* 340—— The 600,000 *l.* stock borrowed from the Bounty Board went to the common fund of the Commission, *ib.* 510, 511. 522, 523. 534———Ample means for repaying at once the 600,000 *l.*, which, however, it is not desirable to do, *ib.* 515, 516. 518, 519——The Bounty Board hold a charge on the estates of the Commissioners (which is excellent security) in lieu of holding the stock, and duly receive the interest of 18,000 *l.* a year, *ib.* 519–526. 532–534——Application to the Board for another loan was refused, *ib.* 529–531.

The Bounty Board have not as yet been repaid any part of their loan of 600,000 *l.*, *Asten* 2334–2336——It is only the debt of 600,000 *l.* owing to the Queen Anne's Bounty which prevents the Ecclesiastical Commissioners from investing the capital arising from land permanently in any other security but land; if this were paid off, it would be perfectly open to them to make any kind of appropriation of it, *Smith* 5131–5143. 5146–5148——Until this debt is extinguished it will not be in the power of the Ecclesiastical Commissioners to alienate any particular estate and appropriate it to the augmentation of a living, *ib.* 5144, 5145——The Commissioners might now sell estates sufficient to pay off the debt; their only object in holding them is to assist in providing permanent estates for the sees and chapters, *ib.* 5167–5169.

Receipts of 656 *l.* 13 *s.* 8 *d.* from Queen Anne's Bounty in 1854 towards providing a parsonage, *App. First Rep. p.* 288.

R.

Rack-rent Estates. See *Leaseholds. Management. Norwell Estate. Tenants-at-Will.*

Receiver-general's Accounts (Chapters). Form of Receiver-general's income account, as prepared and adopted by the Chapter of Westminster, *App. First Rep. p.* 228–233—— Form of Receiver-general's capital account, as prepared and adopted by the Chapter of Westminster, *ib.* 232, 233.

Receivers. Opinion that the allowance to receivers under the Commission of 4 per cent. on rack-rents, and 5 per cent. on reserved rents and rentcharges, is not an unreasonable or an unusual rate of payment, *Lefevre* 2072–2082.

Remission of Rent. See *Norwell Estate,* 13.

Renewals of Leases, &c. See *Copyholds. Durham. Gloucester, Dean and Chapter of,* 5. *Leaseholds,* 5. 6. 7. *Tithe Rentcharges,* 4. *Westminster, Dean and Chapter of,* 1. *Whitby.*

Rentcharges. See *Tithe Rentcharges.*

Repairs and Improvements. Advantage of the power of deans and canons, under the Commissioners' Acts, to raise money on mortgage of their dignity where their houses are out

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of repair, *Chalk* 670——In the case of transferred estates, repairs and improvements might be provided for by adding to the estate a sufficiency for the purpose over and above the fixed income of the bishop or chapter, *Lefevre* 1838, 1839. 1844. 1901–1906. 1913——As regards provision for repairs, &c., where the fixed income is 4,500 *l.*, the rentroll allotted should amount to about 6,000 *l.*, so that there would be a constantly accruing surplus, *ib.* 1901–1913, 1932–1934.

Conditions in farming leases granted by the Commissioners as to repairs, *App. First Rep. p.* 410.

Responsibility. Separate and partly independent action of the Estates Committee adverted to, as possibly requiring amendment in the shape of more direct responsibility to the public, *Lefevre* 2263–2274——Objection to a division of labour and responsibility between two or three Commissioners, *ib.* 2276, 2277.——*See* also *Estates Committee.*

Returns. Witness explains that certain returns asked for by the Committee will be delivered in forthwith (*App. First Rep. p.* 292 *et seq.*), but that in the case of some returns asked for, it is not expedient to incur the expense of printing them, *Chalk* 1214–1219.

Reversionary Interest. See *Enfranchisement. Leaseholds. Sub-Lessees.*

Rhes-y-Cae (Flintshire). Seemingly small consideration paid to the local claims of this parish, *Lefevre* 2157.

Rice, E. R. Statement of costs paid in respect of the enfranchisement of land in the see of Canterbury under lease to E. R. Rice, *App. First Rep. p.* 454.

Ripon, Bishop of. Fixed income of 4,500 *l.* a year secured to the Bishop of Ripon under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Ripon, Dean and Chapter of. Amount of fixed income secured respectively to the dean and canon under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Robinson, F. B. Costs paid in respect of the enfranchisement of land in the see of York, under lease to F. B. Robinson, *App. First Rep. p.* 454.

Rooke, John. Costs paid in respect of the enfranchisement of land in the see of York, under lease to John Rooke, *App. First Rep. p.* 454.

Roughton Vicarage. Correspondence relating to the augmentation of the vicarage of Roughton; such augmentation not granted by the Commissioners, *App. First Rep. p.* 359.

Russell, Lord John. Minute of the Board on a communication from Lord John Russell to the Archbishop of Canterbury, relating to the augmentation of benefices, *App. Third Rep. p.* 203–210.

S.

St. Cuthbert's (Durham). See *Cuthbert's, St., &c.*

St. John's (Westminster). See *John's, St., &c.*

St. Margaret's (Durham). See *Cuthbert's, St., &c.*

St. Margaret's (Westminster). See *Margaret's, St., &c.*

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Sales of Estates. Amount received by the Commissioners from the sale of estates in each of the years 1853-55, *App. First Rep. p.* 289.

Salisbury, Bishop of. Fixed income of 5,000 *l.* a year secured to the Bishop of Salisbury under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Salisbury, Dean and Chapter of. Amount of fixed income secured respectively to the dean and canons under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Secretary to Commission. Witness has been secretary to the Ecclesiastical Commission since 1850; has been officially connected with it since 1836, *Chalk* 328–332.

Shepperdson, E. Statement of costs paid in respect of the enfranchisement, under the dean and chapter of Durham, of land under lease to E. Shepperdson, *App. First Rep. p.* 455.

Shotley Bridge. Witness cannot find any papers relating to Shotley Bridge, one of the places referred to (Q. 456–470) as having applied to the Commissioners for aid, *Chalk* 729, 730.

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Sigston Kirby (*Durham*). Correspondence, &c. relating to the enfranchisement of certain lands in the parish of Sigston Kirby, held by Mr. Charles Hay Frewen, M.P., on lease under the Bishop of Ripon, *App. First Rep. p.* 418-423 —— Arbitration resorted to in this case, an umpire being called in, to decide upon the value of the property sought to be purchased by Mr. Frewen, *ib.* 418-422 —— Refusal of Mr. Frewen to complete the purchase on the terms of the arbitration, *ib.* 422, 423.

Resolution of the Commissioners, that in consequence of Mr. Frewen's refusal no further steps be taken in the case, *App. First Rep. p.* 423 —— Also, in accordance with Mr. Smith's suggestion, that in future cases the Commissioners sanction arbitration only on the condition that the lessee bind himself to carry out the terms of the award under the arbitration, *ib.* 423.

Smith, Edmund James. (Analysis of his Evidence.)—As witness before the Committee of the House of Lords upon the Church Estates Management Bill, suggested the substitution of a system of enfranchisement for that of raising a rent-charge on the property, as contemplated by the Bill, 731–735 ——The Committee made a report in June 1851 very much in accordance with witness's suggestions, and an Act was immediately passed by which the three Church Estates Commissioners were constituted a separate Board, for the purpose of sanctioning agreements for enfranchisements voluntarily made with Ecclesiastical Corporations, 736–739.

Attendance of witness at the meetings of the Estates Committee, 740–781——Successful working of the system of enfranchisement carried out by the Committee, the terms being satisfactory to the lessees and advantageous to the church, 741–753. 771, 772. 781–787. 813——Difference between the terms proposed in the Report of the Episcopal and Capitular Revenues Commission and the terms which have been acted upon; gain to the church of about 60,000 *l.* a year for church extension by the substituted plan, 744–753. 771, 772——Names of the members of the Episcopal and Capitular Revenues Commission, 754, 755.

The aggregate value in fee-simple of the property of Ecclesiastical Corporations is about 35,000,000 *l.*; 756–759——About 18,000,000 *l.* represent the interest of the lessees, 760–764——About one-fourth of the aggregate amount is required to provide the permanent incomes of the bishops and chapters, 765. 769——Less than one-fourth, or about 250,000 *l.* a year would be available for other purposes, 766–770 ——About two-thirds of the aggregate of 35,000,000 *l.* are made up of land, and one-third of tithes and other property, 773, 774——About 680,000 *l.* a year is the gross tithe rent-charge, and about 400,000 *l.* a year the net tithe rentcharge of the bishops and canons, and of the separate estates of the deans and chapters; how divided, 775–779.

Belief that the terms now obtained in the enfranchisement of leaseholds will continue to be obtained, 785–787. 814——As regards the commutations of chapter estates, the Estates Committee have effected arrangements with the Chapters of York, Carlisle, Peterborough, Gloucester and Chester, 788–790——Papers relative to the commutation of the estates of the Chapter of York, adverted to as fully illustrating the practice in the case of other chapters, 790. 831–835 ——Anticipated continuance of applications from chapters for commutations, 791——Absence of delay through want of funds in making arrangements with the chapters, 792–795.

Mode in which leasehold applications are dealt with by the Estates Committee; practice as to the settlement of terms for sale or purchase, 796–807——Course adopted in the event, which rarely occurs, of the dean and chapter wishing to sell a leasehold interest, 804–806——In almost every case the Committee re-invest the proceeds of sale in the purchase of leasehold interest; objects thus to be attained, 808–810. 957—— Probable lapse of time before the increase of 250,000 *l.* a year, estimated as available for the common fund, will be realised, 811, 812. 903–905.

The Act operates rather harshly as regards the provision for a single extension of term in the case of lessees holding for a term certain, 814, 815. 913. 921–924. 938–944. 954——Instead of a single renewal the whole of the existing leasehold terms should, as originally proposed by witness, be expended up to the same period, and terminate at the same time, 816. 907. 913–915. 924–928. 935, 936——Practice in dealing with leases for terms uncertain; it depends upon the term which the lessee has whether any allowance is made for the custom of renewal, 817–825 ——Case of Mr. Denison adverted to, as showing the course adopted in the event of a difference about annual value between the lessee for a term uncertain and the Estates Committee, 821, 822.

It does not follow that the general course now adopted must of necessity bring considerable masses of property under the management of the Commissioners, 826–830 ——Exceptional circumstances under which the Norwell property was purchased, 827 ——The area now in possession of the Commissioners is about 24,000 acres, of which rather more than 16,800 acres are under the management conjointly of Mr. Pickering and witness, 829, 830. 879–884——The greater part of the land is in a transition state, every property being purchased with a view to its transfer to a see or chapter, 830—— No case has yet occurred of handing over a landed estate to a see, 833–836.

Reports, 1856—*continued.*

Smith, Edmund James. (Analysis of his Evidence)—*continued.*

Examination as to the leading tenants on the Norwell having received notice to quit, from witness's firm, as agents, or rather from witness's partner, without the previous consent of the Estates Committee; the notices were given chiefly for the purpose of putting the tenants under an uniform agreement, 837–871. 885–898——Before giving notice to quit, the ordinary practice of the agents is undoubtedly to obtain the sanction of the Estates Committee; propriety of such sanction being required, 839. 842–844. 849. 893–896.

It would have been better if the notices to quit in the Norwell case had first been brought before the Committee, 844. 848, 849. 895, 896——Belief that the Norwell tenants were never dissatisfied, 847. 870, 871——The notices have not been withdrawn, 855–857——Reference to a paper submitted to the tenants, containing the terms on which the Commissioners were willing to make agreements, 858–868——As regards buildings on the Norwell estate, they have been managed by Mr. Pickering, under the sanction of the Estates Committee, 872–875. 877, 878.

Terms certain offered to occupiers by the Committee when an estate is settled, 876——Nature of the supervision respectively of Mr. Pickering and witness over the estates under their management, 879–884—— All details of intended expenditure must be sanctioned by the Estates Committee, 901, 902——The transactions already effected by the Commissioners extend to about 7,000,000 *l.* out of 35,000,000 *l.* belonging to ecclesiastical corporations, 903.

Examination relative to the precise meaning and application of the recommendation of the Lords' Committee (as adopted in the Act of 1851), "that as regards leases for years, which are reduced below twenty-one years, the lessee shall have the option, before enfranchisement or surrender, of one more renewal;" in the event of renewal after 1851 such option is not granted, 906 *et seq.*——As regards lessees with terms uncertain, they are by no means hardly dealt with, 936, 937——Inaccuracy of the inference that the Lords' recommendation in 1851 was that the Act was immediately to commute existing leases for perpetual leases, so as to put the church in immediate possession of an increased annual income; option given to the holder in regard to enfranchisement, 948–953.

Belief that the whole expense connected with enfranchisement, conversion into stock, sale of stock and re-investment in land is not more than one per cent., 955, 956. 959, 960——Expenditure in the last three years of about 733,000 *l.* in the purchase of leasehold interest, 957, 958——In purchasing any estate, it is always considered whether it is eligible for appropriation to the see or chapter in the neighbourhood; cases in point, 961–975.

Transactions relative to the appropriation of estates offered to the Chapter of York who object to receive them, as comprising not only land but a tithe rentcharge of 800 *l.* a year; convenient locality and high character of these estates, 970–977——As regards estates to be transferred to bishops, their mode of management is not yet determined upon, 978——Reference to the case of the Marquis of Huntly as the only one in which a difference about the annual value has been arranged by arbitration, 979–982.

[Second Examination.]—Further statement that the cost of carrying out the transactions of the Commission does not exceed one per cent. of the amount involved, 983–986. 990–1000——Small amount of the transactions in the diocese of Durham adverted to, as causing increased cost in carrying them out, 984–986——The expense of sale of stock or conversion into stock is undertaken by the Bank of England at a charge of 1-16th per cent. for each transaction, 991–998.

Statement showing that the Church Estates Commissioners have acted in accordance with witness's opinion that in nine cases out of ten the church estates are such, that it is more desirable to sell than to purchase, 1001–1003.——Explanation as to the principle adopted in regard to the beneficial interest of the tenant in cases of enfranchisement of house property, 1005–1023——Further statement that the property of the church in tithes is worth about 400,000 *l.* a year, or, at twenty-five years' purchase in fee, 10,000,000 *l.*; 1024–1033.

The recommendation that tithe rentcharges should not be renewed has not been carried out, 1033——Unwillingness of some deans and chapters, &c., to give up the practice of renewing or to enfranchise, 1033. 1059–1063. 1075–1083——Indisposition of the Commissioners to sell tithes on account of their not being saleable, unless at a great depreciation, 1034–1040——Purchase of tithes by the Commissioners whenever opportunity offers, 1041——Advantage which has accrued from their purchases of tithes, 1042—— The same allowance is made to the lessee in respect of his contemplated right of renewal in the case of tithe as of land, 1043, 1044.

Evidence relative to the effect of the enfranchisement of the estates of chapters as regards the charge liable to be thrown thereby on the common fund, 1046–1058——Transfer to the Commission of the estates of the Chapter of York adverted to, as not involving any charge on the common fund, 1046–1056——Inexpediency of a provision that commutations of estates held under chapters can only be carried out if enfranchisements are carried out, 1055–1057.

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Smith, Edmund James. (Analysis of his Evidence)—*continued.*

Increase of the income and interest of the church by the carrying out of enfranchisements, 1064-1069——Further objections to a system of compulsory enfranchisement, though the same would more quickly increase the income of the church, 1065 *et seq.*; 1131 *et seq.*——Anticipated general enfranchisement under the present voluntary system, the number of transactions hitherto being already quite as numerous as could reasonably have been expected, 1065. 1072-1083. 1086-1089. 1099-1102. 1133, 1134. 1169-1179 ——If compulsory power be introduced, it should in justice be compulsory on the tenant as well as on the church, 1092-1095.

Conditions to be settled in handing over an estate to a bishop; careful consideration necessary when such a case arises, 1103-1125——Probable cause of the present system of leasing the church property, 1126, 1127——Five per cent. is a reasonable interest upon outlay for buildings in the hands of the Commissioners, 1128——Proportion of the annual value to the value in fee in the case of the Norwell estates, 1130.

Further evidence in favour of making the terms certain of lessees all come to an end at a specified period; enfranchisements would be sufficiently expedited, and without injustice, by the principle of deferred compulsion involved therein, 1132. 1135-1165. 1169. 1175. 1206, 1207——Propriety of further facilities for voluntary enfranchisements, 1160-1162——In all cases of enfranchisement both parties have certainly been gainers, 1163. 1168.

Advantage in the transfer to the Commissioners of any particular estate of a see or chapter which requires intricate management; case in point; 1166, 1167——Worse position of tenants who do not enfranchise before the expiration of two years hence than of those who are now willing to enfranchise, 1176-1180——Different provisions in regard to local claims on rentcharges in the hands of the Commissioners, and on rentcharges belonging to ecclesiastical corporations, 1181, 1182.

Further reference to the amount of rentcharges belonging to the several heads of bishops, chapters, and separate estates; they are all subject to outstanding leasehold interest, 1183, 1184——Improbability of tithe rentcharges, with local claims upon them, being assigned as part of the income of a bishop or chapter, 1185-1189. 1201, 1202——Appropriation of the rentcharge in the case of Whitby adverted to, 1186. 1195. 1197-1200—— Considerable expense to the Commission and diminution of their funds in satisfying the local claims upon rentcharges, 1190-1196——The same consideration is not given to local claims in the case of land as of rentcharges, 1201-1205.

With regard to nine applications to the Church Estates Commissioners for enfranchisement, in which the proposals have been refused, witness suggests that four cases be printed in detail, as illustrating the causes of refusal, 1207-1212, and *App. First Rep. p.* 424 *et seq.*——A case shall also be prepared in which the proposal was refused at first, and subsequently accepted, 1213, and *App. First Rep. p.* 413.

[Third Examination.]—Payment to the account of the Church Estates Commissioners at the Bank of England, of the proceeds of sales by the Ecclesiastical Corporations 2394, 2395——Subsequent dealing with the proceeds, so as to ensure to the corporations the income in consideration of which they have transferred their interest to the Commissioners, 2396——Arrangement eventually entered into with the Dean and Chapter of Durham; income apportioned to them, 2396-2399. 2417-2420.

Explanation as to the dean and chapter not having been specifically informed at the time of the amount of the principal sum in right of which they were to receive their allotted income, 2400 *et seq.*——Information, save in a few exceptional cases, always given to the chapters in regard to the sums apportioned to them, 2408-2412. 2416-2422 ——Doubt as to there being any use in the annual reports, containing an account in each case of the sums allotted and of the principal sum, 2413-2415. 2423-2425.

With regard to the remuneration of four per cent. to witness's firm for the management of the estates, the constant attendances of witness at the meetings of the Board are included therein, 2426-2429.

[Fourth Examination.]—Has heard Mr. Paynter's evidence; opinion on the statement and calculations which he has laid before the Committee, 3297 *et seq.*——Evidence showing that Mr. Paynter's theory, that the proper mode of arriving at a true result in estimating the interest of the lessor and lessees is to calculate the value of the fee at so much, and the value of the lease by the same tables, cannot be sustained, 3298-3313 ——One reason why Mr. Paynter's theory must be inaccurate is, that under it the church would not receive the income it actually now receives under the existing system, 3298-3313. 3383-3388. 3428-3444.

Ordinary tenure of houses under the church for terms of forty years renewable every fourteen, and for thirty years renewable every ten years, 3298-3313——Witness does not agree with the Church Estate Commissioners in their report, that the value of a partial interest should be taken at the same rate as the calculation of the value of the fee, 3314——The recommendation of the Committee of the House of Lords was, that "if the bishop or capitular body agree to enfranchise, the price to be paid for the enfranchisement shall be the value of the fee-simple, deducting the value of the lease at the

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Smith, Edmund James. (Analysis of his Evidence)—*continued.*

same rate of interest," 3314-3322 ——The Committee confined this recommendation to farms and tithe rentcharges, 3323.

Report of the Lords' Committee, that whether these suggestions could be advantageously applied to house property and mines admits of doubts, which can only be removed by further investigation and consideration, 3323——It is an important element to ascertain, whatever the property be, the market value of the property at the time of making the arrangements, 3324 *et seq.*——How far taking 16⅔ years' purchase as the assumed value of household property may be considered a fair assumption, 3325-3330 ——Incorrectness of the principle of calculating the value of the fee and the value of the term by the same table of interest, 3331, 3332. 3357-3359.

How far the difference of interest with respect to landed property and farms arises from the difference of risk in the two descriptions of property, 3333-3356——Opinion that Mr. Paynter's principle of estimating the value of a lease for thirty years upon the six per cent. table is as wholly inaccurate as his mode of estimating the value of the reversion, 3360-3363——Witness would suggest that the church should sell her reversions in landed estates at the end of thirty years at a discount of three per cent.; except the reversion were sold at this discount, it would be impossible for the church to stand in the same position at the end of the term, 3360-3382.

Witness has constantly of late sold reversions of house property on account of the church; has at all times sold them on the estimate of the Church Estates Commissioners, and not on Mr. Paynter's estimates, 3391-3396——Witness supposes the Church Estates Commissioners mean to adhere to their plan unless the Legislature should decide otherwise, 3397——The desire for sale is not on the side of the church, but on the side of those parties who hold the property, 3398-3401.

Grounds on which witness forms the opinion that, speaking as a general rule, the present rate of interest to be obtained cannot be reckoned above three per cent., 3402-3410——Even in the event of the purchase of freehold landed estate, owners cannot ordinarily look to receive more than 3½ per cent., 3410, 3411——Observations on the evidence of Mr. Paynter, relative to authorising sub-lessees to enfranchise, 3412 *et seq.*

Evidence showing the advantage accruing to Mr. Paynter from the 3d section of the Act 14 & 15 Vict., introduced by Mr. Paynter, 3412. 3422, 3423——Two several interpretations which this section has received as to its object, 3412-3414——The first interpretation was, that it was intended to protect the interests of the sub-lessees, 3413——The subsequent interpretation has been, that the sub-lessees are unable, under it, to enfranchise, 3413-3421. 3424-3427.

The case of the sub-lessees is of greater importance than the case of Mr. Paynter, 3415, 3416——The clause pointing to these interests requires alteration, but in what way witness is not prepared to state, 3417-3421——In the event of a recommendation that the sub-lessee should have the power of enfranchisement, witness is not at present prepared to say what should be done with the interests of the chief lessee, 3445.

[Fifth Examination.]—Opinion as to the probable operation of a resolution to the effect, "That in estimating, for purposes of enfranchisement or surrender, the values of the interests of lessees of farms and houses under leases granted for terms of twenty-one years, an extension of the unexpired term to 1 January 1880, at the accustomed rate of fine, shall, as a rule, be allowed; no such lease to be extended beyond the said date," 5056 *et seq.*, 5078-5082——Opinion that this would put the lessees, as among themselves, upon an equality, 5057-5063.

Way in which witness would apply the rules of enfranchisement with regard to those lessees who hold under lease for lives, either under bishops or under deans and chapters, 5064-5077——It has been the general practice both with bishops and with deans and chapters, to convert the leases that previously existed into leases for terms certain, 5064-5067——With regard to any compulsory enactment on this subject, witness is decidedly opposed to any compulsory power, as the object may be easily obtained without it, 5068-5077.

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which prevents theEcclesiastical Commissioners from investing the capital arising from land permanently in any other security but land; if this were paid off, it would be perfectly open to them to make any kind of appropriation of it, 5131-5143. 5146-5148.

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There is no reason why the surrender and purchase of the whole estates of the sees and the chapters should not be got through before the year 1875; 5157-5165——The Ecclesiastical Commissioners might now sell estates sufficient to pay off the debt to Queen Anne's Bounty; their only object in holding them is to assist in providing permanent estates for the sees and chapters, 5167-5169——Witness does not propose any change with regard to leases for lives, only so far as they are referred to in those cases in which the outstanding term is not equal to the term of twenty-one years, 5170-5181.

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Reasons why no great inconvenience would arise in the event of a bishop declining the terms of enfranchisement, 5197, 5198——If witness were to advise the Ecclesiastical Commissioners as to the arrangements to be made, he would still adhere to the opinion which he has expressed, that three per cent. is the basis upon which calculations ought to be made, 5199 *et seq.*——Way in which witness calculates the value of leasehold house property at 16¾ years' purchase, 5205-5243.

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Statement of costs paid to Commissioners and corporations' solicitors in respect of enfranchisements effected under the sees of Canterbury and York, and also under the Dean and Chapter of Durham, *App. First Rep. p.* 454, 455.

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South Shields. Absence of claim on the part of this parish for a grant from the Commissioners, *Chalk* 353, 354——Means by which, in the case of South Shields, an endowment may be granted by the chapter, though they have sold all their property in the parish, *ib.* 503-506.

Southwark Property (See of Winchester). See *House Property, Enfranchisement of. Sub-Lessees. Winchester, Enfranchisements in See of.*

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Spennimoor (Durham District). Remarks upon the local correspondence with the Commissioners in the case of Spennimoor, and upon their refusal to grant an endowment, *Chaytor* 2811-2822.

Correspondence relating to the constitution and endowment of the proposed district of Spennimoor, to be taken out of the parishes of Brancepeth, Whitworth, Merrington, and Ferryhill, *App. First Rep. p.* 299-312.

Correspondence, in 1854, of the Rev. A. Duncombe Shafto, rector of Brancepeth, Durham, with the Commissioners, urging reasons and making suggestions for the endowment of Spennimoor New District, *App. First Rep. p.* 299-304.

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Extracts from reports of Estates Committee, adopted at general meeting held on 14th June and 12th July 1855, declining to make a grant out of the common fund for the endowment of the proposed church, *App. First Rep. p.* 309–312——Letters from the Secretary to Mr. Chaytor conveying the foregoing decision of the Commissioners, *ib.* 310–312.

Map of the parishes of Brancepeth, Whitworth, Merrington, and Ferryhill, out of which the proposed district is to be made, *App. First Rep. p.* 458.

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Staff of Ecclesiastical Commission. Considerable amount of business transacted by the Commissioners; the staff is overworked, *Right Hon. Earl of Chichester* 129. 147——Increase of the general staff necessary on any large increase of business, *Chalk* 627.

Steward's Accounts (*Chapters*). Form of steward's account, as prepared and adopted by the Chapter of Westminster, *App. First Rep. p.* 240–243.

Sturmy, Herbert. (Analysis of his Evidence.)—Solicitor for the general body of sub-lessees of the see of Winchester, 5244——Certain resolutions which were passed at a meeting of these sub-lessees held on the 16th June 1856, read; statement in reference to these resolutions, 5245 *et seq.*——The sub-lessees feel strongly that the mode of valuation suggested by Mr. E. J. Smith is erroneous, and also acts very injuriously to the lessees and sub-lessees, 5245, 5246——The sub-lessees think that there is only one correct mode of ascertaining the value of such property; first, to take the value of the fee, and, secondly, the value of the leasehold, and that one subtracted from the other would give the value of the reversion, 5246.

Evidence showing that the case of the Southwark property is an exceptional case, 5247–5251——It is granted upon lives to the lessees, and the majority of the sub-lessees hold it for sixty-one years, determinable upon those lives, with the benefit of renewal in case the lessees renew, 5249–5251——Upon this tenure the sub-lessees have made many improvements in the property, consequently the valuation suggested by Mr. Smith would act most prejudicially to them, 5251.

The sub-lessees would not be satisfied with less than having the opportunity of enfranchising the property wholly if they thought fit, 5252–5257——As a means of providing for the interest which the lessees now have, the sub-lessees propose to pay upon the same principle as the lessees pay to the bishop, to redeem the rent, 5258–5267.

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Sub-Lessees:

1. *Evidence generally relative to the present Position of the Sub-Lessees of Church Property.*
2. *Evidence with a view to an Amendment of the Law and an Improvement of their Position.*

1. *Evidence generally relative to the present Position of the Sub-Lessees of Church Property:*

Explanation of the nature of the covenants between witness and his sub-lessees in respect of property in the see of Winchester, *Paynter* 3088–3103——Reference to a clause

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SUB-LESSEES—continued.

1. *Evidence generally relative to the present Position of the Sub-lessees, &c.*—continued.

clause (clause 3) suggested by witness in the Act 14 & 15 Vict. c. 104, providing for the interest of the sub-lessees; adoption of the principle by the Government, *Paynter* 3088-3103——This clause secures the sub-lessees' rights, by a trust with his lessor, to the advantages of enfranchisement, if the intermediate lessor enfranchises, *ib.* 3103.

Grounds for the opinion that it would not be to the advantage of the lessee of the bishop to stay the proceedings in the event of enfranchisement, *Paynter* 3104-3107——Where the sub-lessee desires to enfranchise and the lessee of the bishop declines, the sub-lessee has no power of enfranchisement under this clause, *ib.* 3104-3106——Dependence of the sub-lessee upon his especial covenants with his own immediate landlord; the object of witness's proposed clause was to give him the same rights as he had before, *ib.* 3104-3107.

Evidence showing the difficulty in the practical working of that part of the 3d clause which enacts that, upon a proportionate contribution to or in respect of the costs, payments or consideration paid or given for the interest so acquired by such lessee, *Paynter* 3109-3111——Inconvenience arising from no particular time being stated for the payment of the contribution, *ib.*——Difficulties in the way of giving sub-lessees, having contracts of renewal, even with the consent of the lessees and of the prior sub-lessees, the power of purchasing the enfranchisement; evidence showing the complicated nature of the tenure, *ib.* 3122.

In case of witness, as the landlord, making an improvident bargain with the bishop, the sub-lessee would still have a right to his existing lease, but would have no right to any further lease, *Paynter* 3137-3147. 3196-3214——There would be no object in witness's doing wrong; if he gave more than the thing was worth to his tenant, he would himself suffer precisely in the same way as his tenant would, *ib.* 3148, 3149. 3151-3159——Where the premises have been improved, and witness is about to negociate with the bishop for a renewal, witness communicates with the sub-lessee as to the fine which should be paid, *ib.* 3149.

With regard to the question, whether the sub-tenants have thought the fines paid by witness to the bishop too large, witness can only say that this is a very common estimation of persons who have money to pay, *Paynter* 3150——Evidence in detail showing that witness's interests, as the landlord of leasehold property and the interest of the sub-lessee, are identical as respects the enfranchisement thereof, *ib.* 3151-3179——In the event of an exorbitant price being paid to the bishop by witness his tenants would have no remedy, but running out the remainder of their term, or paying him what they think exorbitant, *ib.* 3151-3156——But this injury would revert to witness, as he would have to buy the reversion at an over value at the end of the lease, *ib.*

Evidence showing the advantage accruing to Mr. Paynter from the 3d section of the Act 14 & 15 Vict., which section was introduced by him, *Smith* 3412. 3422, 3423——Two several interpretations which this section has received as its object, *ib.* 3412-3414——The first interpretation was that it was intended to protect the interests of the sub-lessees, *ib.* 3413——The subsequent interpretation has been that the sub-lessees are unable under it to enfranchise, *ib.* 3413-3421. 3424-3427.

Explanation in reference to Mr. Smith's observations on witness's evidence relative to the question of sub-lessees, *Paynter* 3510 *et seq.*——The particular 3d clause was introduced by witness, its effect simply being to protect the interests of the sub-lessees in the event of the lessee enfranchising, *ib.*——Way in which it reserves their particular rights and equities exactly the same, *ib.*

Witness is sub-lessee of church property at Bromley, in Kent, under the see of Rochester; the Rev. James King is the principal lessee, *Latter* 4214-4216——His object in appearing before the Committee is to call attention to the position of the sub-lessees with reference to the lessees, *ib.* 4217——Especially the case of those sub-lessees who have a covenant for perpetual renewal on payment of a certain rent, and a proportionate part of the fines which accrue, *ib.*——Evidence showing that by the operation of the interpretation clause of the 14 & 15 Vict., the sub-lessees, in the case of leases for lives, have been excluded from the benefit of the purchase of the reversion, *ib.* 4217-4232.

The clause introduced in the House of Commons for the protection of sub-lessees is altogether so vague that witness is totally unable to understand his own rights under it, *Latter* 4222, 4223. 4225 *et seq.*——This clause read, *ib.* 4224——Witness does not know what his position would be in the event of his lessor enfranchising under this Act, *ib.* 4225-4236——Whether he would be bound to pay him a proportionate part of the fine which he paid for the whole estate immediately, or at any and at what time, *ib.* 4225-4236——Or whether, if he declined to accept the terms, his lease would be forfeited, *ib.*

Instance showing the inconvenience of this exclusion involved in the clause, *Latter* 4238-4240——The clause of the Act was avowedly prepared by lessees, *ib.* 4269——

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SUB-LESSEES—continued.

1. *Evidence generally relative to the present Position of the Sub-lessees, &c.*—continued.

Opinion that the exclusion of the sub-lessees from the Act of Parliament was an inadvertence, *Latter* 4282——Hardship upon the sub-lessee in the present state of things as regards keeping up the covenants of the lease, *ib.* 4331-4339——Evidence showing that under the existing state of things the lessee has no interest in making a provident bargain on behalf of the sub-lessee, *ib.* 4340-4350.

Witness is solicitor for the general body of sub-lessees of the see of Winchester, *Sturmy* 5244——Certain resolutions which were passed at a meeting of these sub-lessees, held on 16 June 1856, read; statement in reference to these resolutions, *ib.* 5245 *et seq.*——The sub-lessees feel strongly that the mode of valuation as suggested by Mr. E. T. Smith is erroneous, and also acts very injuriously to the lessees and sub-lessees, *ib.* 5245, 5246——Mode of valuation contended for by witness, *ib.* 5246.

Evidence showing that the case of the Southwark property is an exceptional case, *Sturmy* 5247-5251——It is granted upon lives to the lessee and the majority of the sub-lessees hold it for sixty-one years, determinable upon those lives, with the benefit of renewal in case the lessees renew, *ib.* 5249-5251——Upon this tenure the sub-lessees have made many improvements in the property, consequently the valuation suggested by Mr. Smith would act most prejudicially to them, *ib.* 5251——Covenants in the present leases of the property to which witness, on behalf of the sub-lessees, takes an exception, *ib.* 5300-5308.

2. *Evidence with a view to an Amendment of the Law, and an Improvement of their Position:*

Extent to which, as regards reversions, it is desirable that there be some legislative enactment for the protection of the sub-lessees, *Lefevre* 2052-2068.

Suggested extension of this third clause in any Bill which may be brought in, *Paynter* 3107——Omission in this clause in not making the sub-lessee subject to the same incumbrances as would attach to the new leases of the lessee in perpetuity; the clause is at present too favourable to the sub-lessee, suggestions for supplying the omission, *ib.* 3107-3109——Clause introduced by witness clearing up the difficulty and meeting the justice of the case, *ib.* 3109. 3111-3121——Clause drawn up by witness, handed in to meet the case of sub-lessees being permitted to purchase the reversion of the fee, so as to secure the due rights of those having prior interests, *ib.* 3122.

Grounds for the opinion that altering the relation between the church and its lessees, so as to give the sub-lessees the power of enfranchising would be the source of endless perplexity, *Paynter* 3123-3129——It would be rather a strong thing to alter the relations between the church and its own tenants by Act of Parliament, *ib.* 3130——The only way to deal with the subject would be to leave the lessees and their sub-lessees to arrange together the mode in which the enfranchisement should take place, *ib.* 3131.

Observations on the evidence of Mr. Paynter relative to authorising sub-lessees to enfranchise, *Smith* 3412 *et seq.*——Witness considers that the case of the sub-lessees is of greater importance than the interest of Mr. Paynter, *ib.* 3415, 3416——The clause pointing to these interests requires alteration, but in what way witness is not prepared to state, *ib.* 3417-3421——In the event of a recommendation that the sub-lessee should have the power of enfranchisement, witness is not at present prepared to say what should be done with the interests of the chief lessee, *ib.* 3445.

Grounds on which witness has formed the opinion that in the case of the Southwark property the interest of the sub-lessees is clearly the largest interest, and the interest of the lessee merely a rent-charge, *Dunning* 3446——Reasons why witness considers that in the event of enfranchisement the sub-lessees shall be consulted; witness feels that the sub-lessees ought to be protected, *ib.* 3465-3478. 3480-3490——Though it might be a strong measure to alter the relations between the church and its own tenants, by Act of Parliament, still this case is of such a magnitude as to require the intervention of Parliament, *ib.* 3479——The sub-lessee has not sufficient protection in the case of enfranchisement, *Dunning* 3495; *Latter* 4237.

Suggestion that the interpretation clause should include the sub-lessee who is now excluded, *Latter* 4237, 4238——Grounds for the opinion that the lessees consent is not necessary; the lessee has nothing to do with it beyond the term of the existing lease; witness would leave the lessee to his strict legal right, *ib.* 4240-4257. 4261——Witness considers that the sub-lessee is entitled to the benefit, he being called upon in the case of a reversion to pay for the purchase thereof and the value of all the additional outlay he has made, *ib.* 4250-4260. 4283 *et seq.*——Witness forms the opinion that what he contends for would inflict no loss upon the lessee, upon the ground that the lessee has no covenant for renewal, *ib.* 4257.

Witness does not think that what he suggests would be any departure from the spirit of the Act of Parliament, although the words of the preamble restricts the Act of dealings between corporations and their lessees, *Latter* 4263-4268——There is no reason

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Sub-Lessees—continued.

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reason why, if even the legislation on the subject should be changed and power given to sub-lessees, passing over the lessees, that the lease must be allowed to run out in order to enable them to purchase, *Latter* 4270——Witness would propose that the rent should still remain during the existence of the lease, and be apportioned if necessary, *ib.*——Suggestion that at the expiration of the lives, the property should belong to the sub-lessee who has purchased the reversion, *ib.* 4271-4276.

Witness does not propose that the Ecclesiastical Commissioners should interfere between the sub-lessee and the lessee in any covenants which may have been made between them, *Latter* 4277-4281——Under the change proposed by witness, the existing relations between lessee and sub-lessee would remain exactly as they are at present, during the existence of the term under the lease, *ib.*——In the case of the lessee and the sub-lessee being both anxious to enfranchise, the sub-lessee should be entitled to the preference, he having laid out his money on the property, *ib.* 4283-4330——Witness considers that it would be but fair that the sub-lessee should enfranchise instead of paying continued successive fines, *ib.* 4313-4327——Opinion that it would be very desirable both for the church and for persons holding under it, if the lessees and the sub-lessees were consolidated, *ib.* 4351, 4352.

Opinion as to the mode in which the sub-lessees of church property should be dealt with in the case of renewals or enfranchisement, *Baxter* 4660-4667——The sub-lessees of the Southwark property think that there is only one correct mode of ascertaining the value of such property; first to take the value of the fee, and secondly the value of the leasehold, and that one subtracted from the other would give the value of the reversion, *Sturmy* 5246——The sub-lessees would not be satisfied with less than having the opportunity of enfranchising the property wholly, if they thought fit to do so, *ib.* 5252-5257——As a means of providing for the interest which the lesses now have, the sub-lessees propose to pay upon the same principle as the lessees pay to the bishop to redeem the rent, *ib.* 5258-5267.

One of the resolutions agreed to by these sub-lessees, does unquestionably ask to get the fee, and the sub-lessees think they are entitled to this, from the great change made in the tenure of the property by the enfranchisement, *Sturmy* 5267-5278——It is the opinion of the sub-lessees that upon a fresh arrangement being made in dealing with the property, they should have an opportunity of acquiring the property itself upon payment of the redeemed rent to the lessees, *ib.* 5267-5298——The sub-lessees do not wish to step in between the bishop and the lessees; they only wish to have the power of enfranchising, from the lessees, upon their enfranchising, *ib.* 5299——Suggestion for remedying the inconvenience to which the sub-lessees are sometimes subjected in raising the money to pay the fines, *ib*, 5309-5314.

Statement of the Committee that upon the enfranchisement of church property in houses, much difficulty will arise in dealing with the reasonable claims of the sub-lessees, *Third Rep. p.* x——The attention of the Estates Committee should be directed to this subject, with a view to an equitable consideration of the interests of lessees and sub-lesses, *ib.*

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Thompson, H. S. Statement of costs paid in respect of the enfranchisements of land in the see of York under lease to H. S. Thompson, *App. First Rep. p.* 454.

Thorp, Archdeacon (Durham). Letter from Archdeacon Thorp to the Ecclesiastical Commissioners, dated 27 March 1854, and memoral, enclosed therein, of the clergy of the Archdeaconry of Durham praying that the patronage of all preferments now vested in the bishop be retained in the see, *App. First Rep. p.* 263.

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Thynne, The Rev. Lord John. (Analysis of his Evidence).—Canon of Westminster; is at present acting sub-dean, 2430——Recommends the Committee to call as a witness Mr. Hunt, who is surveyor to several chapters, 2431–2457——Has for the last twenty-four years taken a prominent part in the management of the property of the Chapter of Westminster, 2432, 2433.

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Belief that in the case of house property, as of other property, the full value is obtained by the chapter, 2457——Evidence in approval of the present management by the chapter subject somewhat to the Ecclesiastical Commissioners; the same preferred to a system of management directly by the latter body, 2458. 2485 *et seq.*——Regulations with regard to the disposal of the income of the chapter, 2459——An account is rendered annually to the Ecclesiastical Commissioners, 2460.

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TITHE RENT-CHARGES:

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2. *Purchases of Rent-charges by the Commissioners.*
3. *Sales of Rent-charges.*
4. *Renewals of Leases.*
5. *Non-Assignment to Bishops or Chapters of Rent-charges with local Claims upon them.*
6. *Generally as to local Claims where the Commissioners hold Property in Tithes.*

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6. *Generally as to local Claims where the Commissioners hold Property in Tithes:*

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WESTMINSTER, DEAN AND CHAPTER OF:

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8. *Very limited Aid afforded by the Ecclesiastical Commissioners in the matter of the new District Churches: Correspondence hereon.*
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10. *Accounts: Approval thereof by the Commissioners.*

1. *Explanation and Approval of the Management by the Chapter of the Capitular Estates:*

Witness, who is a canon of Westminster, has for the last twenty-four years taken a prominent part in the management of the property of the Chapter of Westminster, *Rev. Lord John Thynne,* 2430. 2432, 2433——Practice to grant leases of the landed property for twenty-one years, renewable every seven, *ib.* 2437. 2473. 2593, 2594——Practice to grant leases of house property for forty years, renewable every fourteen, *ib.* 2437. 2495——Conduct of the business of the chapter by the members thereof, through its agents, just as private individuals conduct their business, *ib.* 2438, 2439——Practice in regard to the attendance of members at the meetings, *ib.* 2440–2447.

Mode of calculation of the fines upon renewals of seven years, *Rev. Lord J. Thynne* 2448–2450——Rare exceptions to the rule of the chapter to renew at the end of seven years, *ib.* 2451–2454——Belief that, in the case of house property, as of other property, the full value is obtained by the chapter, *ib.* 2457——Evidence generally in approval of the present management by the chapter, subject somewhat to the Ecclesiastical Commissioners, *ib.* 2458. 2485 *et seq.* 2615——Non-objection at any time by the Commissioners to the practice of the chapter in regard to fines on renewals, *ib.* 2467–2469.

Constant attention of the chapter to the subject of improvements on their property; cases in point, *Rev. Lord J. Thynne* 2471. 2502–2513——Absence, practically, of disadvantage in the possibility of any member being a considerable loser by measures for the ultimate improvement of the property, *ib.* 2472, 2473. 2502–2509——Employment, as a rule, of local agents, *ib.* 2477. 2491. 2514, 2515. 2573–2581.

Particulars as to the cost of management; economy in its amounting to about two-and-a-quarter per cent. on the rental, *Rev. Lord J. Thynne* 2485–2492. 2514–2518——Considerable improvement in the value of the property under the management of the chapter, *ib.* 2493–2498——Proof of the interest taken by the chapter, at a personal sacrifice, in the future value of the property, *ib.* 2503——Annual visit of two of the canons to the several estates at the cost of the general management, *ib.* 2515–2519——There is a great deal of management involved in the leasing system, besides that which is necessarily incident to the preparation of the lease, *ib.* 2532.

Further statement as to the practice of the dean and chapter in regard to fines on renewals; these are almost entirely arbitrary on their part, *Rev. Lord J. Thynne* 2596–2602——Interest felt by the dean and chapter alike in their country property and their metropolitan property, and in the spiritual well-being of the parishioners, *ib.* 2619. 2648–2658——The fact of all the members of the chapter receiving in time a fixed income, will not prejudice the management of the property, *ib.* 2621–2623——Special advantage of the leasehold system as regards the management and improvement of the property, *ib.* 2633–2641.

Advantage, as regards the spiritual duties of the dean and chapter, in their being the direct managers of their property, *Rev. Lord J. Thynne* 2645–2648. 2661——The trouble of management does not interfere with their spiritual duties, *ib.* 2645. 2686–2689——Much less local influence of the dean and chapter, in right of their house property in London, than of their landed property in the country, *ib.* 2649–2666——Limited control over the leases of the metropolitan property, *ib.* 2665, 2666——The property of the chapter being leased, the agents cannot give notice to quit, *ib.* 2682.

2. *Objection to Management by the Ecclesiastical Commissioners:*

Evidence opposed to the management, by the Ecclesiastical Commissioners, of the property of the dean and chapter, *Rev. Lord J. Thynne* 2485 *et seq.*, 2615 *et seq.*——Competency of the dean and chapter to manage their estates, any extravagant or improper expenditure being moreover controllable by the Commissioners, *ib.* 2616. 2619. 2687–2690——Improbability of the Chapter of Westminster coming voluntarily to the same arrangement for a transfer of their property as has been come to by the Chapters of York and Carlisle, *ib.* 2642–2644.

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3. *Nature and Locality of the Property of the Chapter:*

General description of the property belonging to the chapter; where situate, *Rev. Lord John Thynne* 2434-2437. 2455, 2456. 2473-2479. 2546, 2547——Comparatively slight interest of the chapter in rack-rent estates, *ib.* 2436. 2546, 2547. 2667-2669——Almost all the house property is in the metropolis, *ib.* 2473-2475——The rack-rent estates of the Chapter of Westminster are very small in comparison with the other estates, *ib.* 2546, 2547——The small portion of the estates of the chapter which is held at rack-rent is entirely country property, *ib.* 2667-2669——Extent of the chapter's estate in Worcestershire adverted to, *ib.* 2683-2685.

4. *Remuneration of the Chapter Clerk:*

Remuneration of the chapter clerks or agents, as derived from fees on renewal, adverted to with reference to the question of cost of management, *Rev. Lord J. Thynne* 2520-2551——The larger portion of the remuneration of the clerk is derived, in the shape of fees, from the lessees, *ib.* 2529-2551——Salary of 150*l.* a year and a house, in the case of the chapter clerk, *ib.* 2534-2540.

5. *Bar to Enfranchisements by the Chapter:*

Diminution and final abolition of the income of the dean and chapter if the system of leasing be terminated by a system of enfranchisement, *Rev. Lord J. Thynne* 2624-2631——Limited extent to which the dean and chapter are willing to enfranchise, *ib.* 2627, 2628.

6. *Admission of the Public to Westminster Abbey:*

Payment for the admission of the public to Westminster Abbey adverted to, *Rev. Lord J. Thynne* 2480——Care and watchfulness necessary as a protection against objectionable visitors, *ib.* 2480-2483.

7. *Great Interest taken by the Chapter in the Spiritual Condition of Westminster:*

The dean and chapter take very great interest in the spiritual condition of the parishes with which they are connected, *Rev. Lord J. Thynne* 2552. 2619. 2648-2658——As regards St. Stephen's, Rochester-row, the dean and chapter gave the fee of the land for the schools, the church, and the parsonage-house, *ib.* 2554——The dean and chapter gave the ground for the parsonage-house of St. Mary's, Vincent-square, *ib.*

Practical proofs of the interest taken by the chapter in the spiritual condition of Westminster, *Rev. Lord J. Thynne* 2557, 2558. 2562, 2563. 2572-2578. 2695-2703; and *App. First Rep. p.* 352-355——Desire of the dean and chapter to act as landlords in the matter of local claims; distinction, however, where they are landlords of rack-rent estates, and where they are landlords in fee of leasehold estates, *Rev. Lord J. Thynne* 2588-2592——Reference to the contributions by the chapter towards the erection of the new district churches, *ib.* 2651. 2656. 2719.

Explanation of the practice of the dean and chapter in regard to augmentations to vicars upon the renewal of leases for tithes, of which they (the dean and chapter) are owners, *Rev. Lord J. Thynne* 2704-2728——Circumstance of the dean and chapter, several years ago, having augmented all their benefices that were below 200*l.* a year, up to that amount, without waiting till the leases were out, *ib.* 2707, 2708. 2720——Practice of the dean and chapter not to grant augmentation to vicarages not in their patronage, *ib.* 2723-2728.

Statements in memorial of 1852, showing the great improvement, as regards schools and spiritual instruction, effected between 1835 and 1852, in certain districts of Westminster, *App. First Rep. p.* 349-351.

8. *Very limited Aid afforded by the Ecclesiastical Commissioners in the matter of the new District Churches: Correspondence hereon:*

Reference to correspondence, in 1853, between Lord John Thynne and the Commissioners, with respect to the endowment of new churches in Westminster, *Chalk* 471-475——Endowment of Trinity Church out of some houses in Westminster, with the consent of the Ecclesiastical Commissioners, *ib.* 474, 475. 500, 501.

Within the last twenty years there have been seven new district churches erected in Westminster, *Rev. Lord J. Thynne* 2553——Slender endowment of these churches, *ib.* 2554——The new churches, excepting St. Stephen's, Rochester-row, and St. Mary's, Vincent-square, are without parsonage houses, *ib.*——Memorials were presented by the dean and chapter to the Ecclesiastical Commissioners in 1852, and previously, for an application of monies for the endowment of the district churches, *ib.* 2556, 2557.

Considerable sacrifice involved, on the part of the members of the chapter, in their proposal to endow the churches out of certain revenues in which they and the Commissioners have a joint interest, *Rev. Lord J. Thynne* 2557, 2558. 2562, 2563. 2572-2578. 2695-2703——These applications for endowments were negatived, *ib.* 2559——Endowment to the extent of 250*l.* a year assented to by the Commissioners, as charged upon the

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8. *Very limited Aid afforded by the Ecclesiastical Commissioners, &c.*—continued.

the new houses at the entrance of Dean's-yard, *Rev. Lord J. Thynne*, 2559, 2560—— Prospective endowment returned upon the Belsize property at Hampstead, *ib.* 2561.

The revenues offered to be locally applied amounted to 1,100 *l.* a year, of which the chapter had eleven shares, and the Commissioners four shares, *Rev. Lord J. Thynne* 2562, 2563. 2572–2578. 2695–2703——Consideration of the grounds of refusal of the Commissioners to make grants towards the Westminster churches; exceptions taken thereto, *ib.* 2564–2587. 2695–2703——The Commissioners receive about 6,000 *l.* a year through the Chapter of Westminster, but grant directly only 250 *l.* a year to the spiritual necessities of Westminster, *ib.* 2564, 2565. 2579–2587——Opinion that it cannot be considered that two of the suspended canonries of Westminster have been appropriated for the purpose of contributing to the spiritual destitution of the districts, *ib.* 2581–2587.

Correspondence relating to the spiritual destitution of the parishes of St. Margaret and St. John, Westminster, and the endowments by the Chapter of Westminster of Vauxhall Bridge-road Trinity perpetual curacy, *App. First Rep. p.* 349–357.

Memorial, in 1852, of the Dean and Chapter of Westminster, the churchwardens and parishioners of St. Margaret and St. John, praying for assistance from the Ecclesiastical Commissioners towards the district churches in those parishes, *App. First Rep. p.* 349–352.

Letter from the secretary of the Commissioners to the Rev. John Jennings, dated 28 May 1852, stating reasons why the Commissioners feel it out of their power at present to hold out any expectation of endowment for the district churches built, or to be built, *App. First Rep. p.* 352.

Letter from Lord J. Thynne to the Bishop of London, dated 3 February 1853, proposing means for the endowment, by the Ecclesiastical Commissioners, of the district churches of the parishes of St. John and St. Margaret, such proposal involving a considerable personal sacrifice on the part of the Chapter of Westminster, *App. First Rep. p.* 352, 353.

Letter on the part of the Commissioners to Lord J. Thynne, dated 28 February 1853, stating that the means of endowment proposed by him on behalf of the chapter cannot be adopted by the Commissioners, *App. First Rep. p.* 353, 354.

Letter from Lord John Thynne to the Ecclesiastical Commissioners, dated March 1853, requesting further consideration of the proposal of the chapter for the endowment of the district churches, *App. First Rep. p.* 354, 355.

Letter in reply to the foregoing, dated 16 April 1853, stating that the Commissioners cannot vary their former decision in the matter, *App. First Rep. p.* 355.

9. *Income and Expenditure of the Chapter;*

The income of the dean and chapter is about 30,000 *l.* a year, *Rev. Lord J. Thynne* 2470. 2668——Annual expenses of management, &c., by the dean and chapter, and income, when fixed, of the deans and canons adverted to as amounting to about 20,000 *l.* a year, out of a total income of about 30,000 *l.* a year, *ib.* 2603–2614.

Amount of fixed income secured respectively to the dean and canons under the Act 13 & 14 Vict. c. 94, *App. First Rep. p.* 267.

Return of the amount of Government Stock standing to the credit of the chapter on 31 October 1855, *App. First Rep. p.* 456.

10. *Accounts: Approval thereof by the Commissioners:*

Remodelling of the accounts of the chapter adverted to, *Chalk* 424——Circumstances under which the accounts have recently been kept on a new and greatly improved system, *ib.* 677. 685. 688——Some accounts are rendered in a satisfactory form, more especially those of the Chapter of Westminster, *Lefevre* 2003–2005——Reference to the allowance by the Commissioners of a payment by the Dean and Chapter of Westminster towards a fire-escape; there was doubtless good reason, *ib.* 2026–2030. 2032.

Regulations with regard to the disposal of the income of the chapter, *Rev. Lord J. Thynne* 2459——An account is rendered annually to the Ecclesiastical Commissioners, *ib.* 2460——Satisfactory understanding between the Commissioners and the chapter in regard to expenditure for ecclesiastical and spiritual purposes; concordat on the subject in 1852, *ib.* 2461, 2462. 2616. 2691, 2692. 2729–2732——Explanation as to donations by the chapter towards repairs or alterations in Westminster School, *ib.* 2463–2466—— Further reference to the concordat of 1852, and the obligations of the Commissioners thereby in regard to donations for certain diocesan societies, *ib.* 2691–2694——Belief as to its being imperative on the chapter to continue the accounts in the precise form now approved of, *ib.* 2733, 2734.

Circular letter from the secretary of the Ecclesiastical Commissioners to the chapter clerks, dated 16 July 1853, accompanied by forms of accounts, &c., prepared by the Chapter of Westminster, *App. First Rep. p.* 226 *et seq.*——Memorandum by members of

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10. *Accounts: Approval thereof by the Commissioners*—continued.

chapter, dated 9 March 1852, relative to the form of accounts, and to the right of chapters to make donations from the corporate revenues previous to division, *App. First Rep. p.* 226.

Letter from Lord John Thynne to the Earl of Chichester, dated 7 April 1853, relative to the new form of accounts to be adopted by the Chapter of Westminster, *App. First Rep. p.* 227——Further letter from same to same, dated 25 April 1853, enclosing copies of approved forms, *ib.* 227–247.

Form of receiver-general's income account, *App. First Rep. p.* 228–233——Form of receiver-general's capital account, *ib.* 232, 233——Form of the treasurer's income account, *ib.* 234–239——Form of treasurer's capital account, *ib.* 238, 239——Form of steward's account, *ib.* 240–243——Form of general abstract of capital account, and of income account, *ib.* 244–247——Other accounts as to certain miscellaneous receipts and expenditure, *ib.* 248, 249.

See also *Hunt, Mr.*

Whitby. Appropriation of the tithe rent-charge in the case of Whitby adverted to and explained, *Smith* 1186. 1189. 1197–1200.

Witness was born in the parish of Whitby; is acquainted with the contents of a petition to the House of Commons from certain parishioners of Whitby, in the county and diocese of York, *Brodrick* 4476, 4477——Evidence in relation to the population of this parish, and as to the church accommodation, *ib.* 4478, 4479——There is no want of church room, as within the last six or eight years two new churches have been built in the town, but they are wholly unendowed, *ib.* 4480–4483——Evidence relative to the tithes of the parish of which the archbishop is the impropriator, *ib.* 4484 *et seq.*——The property is leased to a single lessee, and has been in the same family for 100 years; nature of the present lease, which has fourteen years to run, *ib.* 4485 4487.

The distinct object of the application of the town is to prevent the renewal of the lease; grounds for forming the opinion that neither the archbishop nor the Ecclesiastical Commissioners have the power of granting a new lease, *Brodrick* 4487–4511. 4514–4517——Witness would like to see a portion of the tithe applied to the spiritual wants of the place, *ib.* 4512, 4513——Evidence in detail, showing the grounds on which witness forms the opinion that the lessee of the tithes has, in law and equity, no right to a renewal, *ib.* 4518–4544.

Statement showing the exact condition of the churches at Whitby, with evidence relative to the leasing of the tithes, and the renewal of such leases; small sum accruing to the spiritual wants of the parish from this system, *Baxter* 4570–4574——It is perfectly inexplicable how so large a rentecharge could have been sacrificed in the way it has been in the case of Whitby parish, *ib.* 4601–4605——Witness would say that there would be no equitable, legal, or moral injury inflicted upon the present lessee of the tithes of Whitby in letting the lease, which the family have enjoyed for seventy years, run out, *ib.* 4641–4653——No difficulty presents itself, to witness's mind, in refusing the renewal of the Whitby rent-charge lease, *ib.* 4656–4659.

Reasons for the opinion that, in the case of the Whitby tithes, the Commissioners could not properly do otherwise than renew the tithe rent-charge, *Right Hon. S. H. Walpole* 4704 *et seq.*

Correspondence, &c., in 1853 and 1854, relating to the enfranchisement of certain tithe rent-charges arising within the parish of Whitby, held by Mr. H. W. Yeoman, on lease, under the Archbishop of York, *App. First Rep. p.* 424–431.

Correspondence between the Archbishop of York and William Brodrick, Esq., relating to the renewal of the lease of the tithe rentcharge of Whitby parish, and the spiritual destitution of that parish, *App. Third Rep. p.* 215.

Whitcombe, John Aubrey. (Analysis of his Evidence.)—Has been chapter clerk of Gloucester for the last forty years, 3512——Statement of the mode of granting leases and taking fines by the Chapter of Gloucester, 3513 *et seq.*——Arrangement lately made by the Chapter of Gloucester with the Ecclesiastical Commissioners, by which, under an order in Council, dated 26 June 1855, they have transferred their estates over to the Commissioners, 3513——Statement made by witness, that it was for the purpose of putting in this scheme, and calling the attention of the Committee to certain clauses of the same, that he was requested by the chapter to appear before this Committee, 3513.

The mode of granting leases by the Chapter of Gloucester has been to grant them for twenty-one years certain, renewable every seven years; only three leases are granted for lives, 3513. 3517–3520——These leases will not be renewed, as the lives drop in, now the estates are in the hands of the Commissioners, 3513. 3521——Detailed statement of the scheme by which the estates of the chapter were transferred to the Ecclesiastical Commissioners; amount of the half-yearly payments to be made to the chapter, and proposed appropriation thereof, 3514 *et seq.*

Reference to the clause in the scheme, by which it was recommended and proposed, that

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that none of the monies or estates should be applicable to the purposes of the Commissioners' common fund, until the dean and chapter should have been put into possession, in fee-simple of real estates of the amount therein stated, 3514-3516. 3522, 3523——The property surrendered by the dean and chapter to the Commissioners was very large, 3524——If the rack-rent value be taken, there was a great difference between the amount of the property surrendered and the amount which will have to be transferred to the dean and chapter, 3525.

Actual value of the property if it were all let at a rack-rent, 3526-3528——Ordinary income of the chapter before any of the canonries were suspended; original number of canons at Gloucester; reduced number; amount which the Ecclesiastical Commissioners will have to pay to this reduced number, and to the dean, 3529-3533——This amount would not at all exhaust the value of the property, which is to be re-transferred to the Commissioners; but, independently of this, there is the whole of the establishment; amount of the establishment charges; items of which these charges consist, 3534 *et seq.*——Among them are the minor canons, and the fabric, which is very expensive, 3536. 3675-3678——Sum set apart yearly for the fabric by an order in chapter, 3537-3539.

Gross amount to which the Commissioners have limited the sum for the establishment charges; the particulars are settled by the dean and chapter, 3450, 3451——The Commissioners have not retained any specific power with regard to the inspection of the accounts as to the appropriation of this sum; but witness would say that access to the accounts would not be refused, 3540-3544——The appropriation of the sum allowed for the establishment is left to the discretion of the dean and chapter, 3545-3555——Schedule of the order in Council with reference to the establishment charges, read, 3546, 3547.

The construction witness puts upon this order is, that, with reference to the gross sum, the chapter may from time to time add to the choir, and deduct from the school, or may deduct from the fabric fund, and add to the choir and school, or expend, if they see fit, nothing on the fabric, 3548-3555——All the objects mentioned in the above referred to schedule are decidedly better provided for under this arrangement made between the dean and chapter and the Commissioners than they were previously, 3556——Supposing the dean and chapter to neglect any of the objects referred to in the schedule, there is no reserved power in the Commissioners to decide that they ought to attend thereto, 3557——There is a visitor who has the power of correcting any abuse, 3557.

Period during which the arrangement between the chapter and the Commissioners has been in operation, 3558——There has been no request on the part of the Ecclesiastical Commissioners to see any of the accounts, 3559-3561——Great increase to the schools, and improvements therein in all respects, consequent upon this arrangement, 3562-3577. 3612-3641——Decided advantage given to the canons by this arrangement; explanation as to how this has arisen, 3578-3585.

The Chapter of Gloucester has not much property in tithes; how far they have made any augmentation to vicarages out of their tithe property; this sum is not included in the establishment charges, 3586-3595. 3684-3691. 3699——The stipulation under the arrangement is, that the chapter shall have back real estates, of which not more than one-fourth part shall consist of tithe rent-charges; reasons why witness considers land better than tithe rent-charges, 3595-3598——The present patronage of the chapter is excepted from the scheme; this is the only stipulation, 3599-3601.

The annual value of the estate to be handed over to the chapter will be open to negotiation when the tender of the landed estate is made; the quantum of such annual value will be the subject-matter of future arrangement, 3602-3611——Evidence relative to some valuable land in Aberdare belonging to the Chapter of Gloucester; extreme want of spiritual instruction in the place; small amount of assistance given by the chapter to relieve this requirement, 3642-3672. 3692-3698——The chapter consider that in handing over their estates to the Commissioners, the claims of such places no longer apply to them, but to the Commissioners, 3673-3675.

Names of the present canons, 3679-3683——Further statement of the amount of the whole property handed over by the chapter, 3684——Evidence relative to charitable donations by the Chapter of Gloucester, 3700-3714——Extent to which in some instances the position of the chapter has been improved in a pecuniary point of view by means of this transfer, 3715-3725——There were other inducements besides this that led the chapter to make the transfer, 3726-3728.

How far the chapter satisfied the Commissioners, that the sum which they were to allow was not more than the sum the chapter might fairly look upon as their future income, 3729-3732——The chapter gave the Commissioners all the advantage to be derived from any arrangements which they could make with the tenants and with the lessees, 3732, 3733——Extent to which the Commissioners have entered into contracts for sales of the chapter property, 3734-3736——Witness does not quite understand how the Commissioners can give a good legal title, the chapter having what may be considered a lien upon the property, 3737-3740.

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In the case of Gloucester, the Commissioners are, by the terms of the order in Council, expressly debarred from applying the proceeds of any sales to the common fund, 3741–3744——The proceeds of the sales must remain to accumulate until some estates are transferred to the chapter, *ib.*——The property is all to be conveyed back to the chapter at rack-rent, without any lease upon it, 3745–3750——By the order in Council there will be no expense of conveyance, 3751.

How far and for what purpose the Commissioners are now surveying the estates, 3752–3755——Numerous applications received by the chapter for enfranchisements before the transfer took place, 3756——In most cases they refused the applications, as they considered it would scarcely answer their purpose to substitute enfranchisement for renewal in general cases of leases for twenty-one years, 3757–3768.

The clause in the Act of Parliament which provides that the chapter shall only have a limited interest in any enfranchisement, has operated against enfranchisements, 3760–3762——The dean and the whole of the canons agreed to the transfer to the Commissioners, 3769–3774——Periods of the meetings of the chapter, 3775–3779——Evidence relative to the duties and emoluments of the chapter clerk, 3780–3799——Witness does not consider that the Commissioners have made an improvident bargain, 3800–3805——How far it was the custom of the chapter to make any visits or progresses to their estates, 3806.

Willenhall Holy Trinity New Church. Payment by the Ecclesiastical Commissioners of 300 *l.* on account of this church in the year preceding the 1st November 1855, *App. First Rep. p.* 289.

Winchester, Enfranchisements in See of:

1. *Proceedings in regard to House Property held under the Bishop.*
2. *Steps advisable with reference to the Enfranchisement of this Property.*

1. *Proceedings in regard to House Property held under the Bishop:*

Unsatisfactory state of the property of the Bishop of Winchester in Southwark, arising from the frequent discussions on the subject of enfranchisement, *Paynter* 3181——The Bishop of Winchester when he came to the see might, according to the legal rights of the church, have refused to renew or to accept fines, *ib.* 3194——This might have been to his advantage, but witness would say that it would be to the interest of all parties to renew, as a general principle, *ib.* 3194, 3195——Applications for enfranchisements have been made to the Bishop of Winchester for some time past, and he is now entertaining the consideration, *ib.* 3220. 3236–3238.

Statement with respect to the practice pursued as to house property by the Bishop of Winchester, *Dunning* 3446——Explanation as to what has taken place on the subject between Messrs. Pott and Mr. Paynter, as the lessees of the Southwark property, and the bishop, *ib.*——Correspondence which took place between Messrs. Pott and witness, and his partner, Mr. Burden, on the subject, in December 1855; observations thereon, *ib.* 3446–3450——Reference to an interview which took place, in January 1855, between witness and Messrs. Pott and their solicitor; the surveyors of the see, and Mr. Smith, the surveyor for the Church Estates Commission, also attended, *ib.*——The meeting was with a view, if possible, to arrive at some mode by which the property should be enfranchised; but no terms could be come to, *ib.* 3449, 3450.

The question which witness entertained was simply the question whether the enfranchisement should be to the lessees, or to the sub-lessees, *Dunning* 3453——There is nothing in the leases from the bishop to the lessee which at all obliges the lessee to enter into any particular contract or covenants with his sub-lessee, *ib.* 3456——Witness imagines that the third section of the Act 14 & 15 Vict. c. 104, must be interpreted with reference to the covenants which have been entered into by the sub-lessees in their leases from the lessees; the covenants are extremely stringent, *ib.* 3456–3464——The arrangement of the question, with respect to the Southwark property, is still in progress, and the enfranchisement will be carried out, *ib.* 3491, 3492——Neither the bishop, nor the Ecclesiastical Commissioners, nor the Estates Committee, have put any bar to the enfranchisement, *ib.* 3493.

Evidence, in detail, explanatory of the present position of the sub-lessees of the Southwark property, and of the proceedings which have taken place on the question of enfranchisement, *Sturney* 5245 *et seq.*

2. *Steps advisable with reference to the Enfranchisement of this Property:*

Expediency of the matter being settled, and some definite plan made in reference to it, *Paynter* 3180, 3181——Course which would most probably put the property into an improvable state, *ib.* 3182 *et seq.*——In the event of further facilities for enfranchisement not being given, at any rate the renewal should be extended to sixty years, *ib.* 3182. 3259——The progress of enfranchisement would not be facilitated by the lessees having to deal with the Church Estates Commissioners rather than with the bishop, *ib.* 3218, 3219. 3226–3238.

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Winchester, Enfranchisement in See of—continued.

2. *Steps advisable with Reference to the Enfranchisement of this Property*—continued.

Witness felt strongly that the sub-lessees, having expended their money on the property, ought to have some consideration, *Dunning* 3453-3464——He considers that the case of this property is such an exceptional one, that it is a very fit case for consideration whether it ought not to have some specific enactment directed towards it, *ib.* 3494——Opinion that the sub-lessees would not have made such contracts as they have done, had they thought the enfranchisement to the lessee was probable, *ib.* 3496-3503.

Witness supports the allegations in the petition of the lessees and sub-lessees of the Winchester Park Estate, and suggests the necessity of an express enactment to prescribe the principle on which the enfranchisement of house property should take place, *Pott* 5055——Opinion of two actuaries delivered in, in support of the allegations of the petition, *ib.*

Views of the sub-lessees as to the steps requisite for the protection of their interests; evidence in support of these views, with reference especially to their having the power to enfranchise, *Sturmy* 5245 *et seq.*

See also *House Property, Enfranchisement of. Sub-lessees.*

Windsor, Chapter of. Return of the amount of Government stock standing to the credit of the chapter on 31 October 1855, *App. First Rep. p.* 456.

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